ity of travelling, the law of Scotland requires a residence of forty days, to subject even a foreigner to be sued in the Courts of that country. *Kames' Prin. Eq. b.* 3, *c.* 8, *s.* 1; *Utterton* v. *Tewsch*, 3 *Eccle. Rep.* 351; *Gordon* v. *Pye*, 3 *Eccle. Rep.* 450, 463.

In the year 1714, the Legislature of Maryland, reciting, that the people had greatly suffered by the then war; and that their miserable and deplorable circumstances were very much heightened and aggravated by their being sued and brought to Annapolis from the remotest parts of the Province, to their manifest oppression and impoverishment, among other things, enacted, that where the debt or damages did not exceed twenty pounds sterling, the debtor should only be sued in the County Court of the county in which he resided, and not elsewhere; 1714, ch. 4; which Act was, from time to time, continued and revived until the year 1794, when it was suffered to expire. 1773, ch. 17. This Act, however, provided only a partial remedy for the evil it proposed to remove; and therefore, afterwards, on its being represented to the General Assembly as a very great grievance to the people, that there was not a sufficient provision made against arresting them when they happen to be found about their necessary affairs out of the county where they reside, it was enacted, that no inhabitant should be arrested by a *capias ad respondendum* or a *capias ad satisfaciendum*, out of the county in which he resided, until after a return of *non est* on such writ. 1728, ch. 24; 1796, ch. 43, s. 14; 1801, ch. 74, s. 11. (*o*)

This law applied to all such writs, from whatever Court they might issue; and therefore, although the jurisdiction of the General Court, then in existence, extended over the whole State, this law made it necessary, that its process, for the arresting of a defendant, should be first directed to the county in which he resided, and consequently, as in England, a *testatum capias*, or a process in nature of such a writ, was the only one which, in many cases, could be sued out. And upon the principles of the English law, it is obvious, that the General Court must have used an execution, if not precisely the same, yet in all respects equivalent to a *testatum* * *fieri facias;* because two or more writs of *fieri facias* **665** could not be issued from that Court, any more than from the King's Bench, at the same time directed to two or more different counties; but could only go consecutively to the same or to different counties, until an entire satisfaction was produced; 1 *Sellon's Pra.* 536; *Bullock* v. *Morris*, 2 *Taunt.* 67; *Waters* v. *Caton*, 1 *H. &*

(*o*) Where the suit abates by the death of a defendant, his executor or administrator may, to revive the suit, be summoned from any other county of the State.—1812, ch. 145, s. 4. And as it would seem a party may be arrested by virtue of an attachment any where in the State and brought before the High Court of Chancery.—*Crapster* v. *Griffith*, 2 Bland, 15.