

be instituted in the county in which the deceased died, if any of his heirs reside there, and if not, in the county in which his real estate or some part thereof is situated.

Cited but not construed in *Montel v. Consolidation Coal Co.*, 39 Md. 170.

1904, art. 75, sec. 153. 1888, art. 75, sec. 141. 1860, art. 75, sec. 97.  
1777, ch. 12, secs. 1, 2.

**159.** A summons for witnesses residing in a different county to testify in trials to be had before the circuit court may issue, and shall be directed to the sheriff of the county where the witnesses reside; and all witnesses upon whom such summons shall be served shall be liable to attachment and fine in like manner as if such witnesses resided in the county where the trial is had.

Cited but not construed in *Montel v. Consolidation Coal Co.*, 39 Md. 170.

*Ibid.* sec. 154. 1888, art. 75, sec. 142. 1860, art. 75, sec. 98.  
1795, ch. 23.

**160.** If a witness residing in a different county from that in which the trial is to be had shall be summoned, or has removed from such county after being summoned, and shall fail to appear after being so summoned, an attachment may issue for such witness to the sheriff of the county where said witness resides, returnable to the court issuing the same; and if the sheriff take such witness, he shall produce him before the said court to abide its sentence thereupon.

Cited but not construed in *Montel v. Consolidation Coal Co.*, 39 Md. 170.

*Ibid.* sec. 155. 1888, art. 75, sec. 143. 1860, art. 75, sec. 104.  
1817, ch. 139, sec. 1.

**161.** When any of the clerks of any of the courts within this State shall be required to issue any writ or process whatever, to be served in any other county than that in which he is clerk, he shall issue the same directed to the sheriff, coroner or other proper officer of such other county to whom the same ought to be directed, and shall immediately enclose such process in a letter or cover, sealed up and addressed to the clerk of the circuit court for such other county, or the clerk of the superior court of Baltimore city, and on the back thereof shall endorse his name as clerk of the court from which it issues, and shall forthwith deposit the same in the next postoffice, to be conveyed by the ensuing mail to the postoffice at or nearest to which the clerk of such other court shall reside; and in such letter or cover shall be written the usual docket entry of such process, so as to show the parties concerned, and the nature and purpose thereof.

Cited but not construed in *Deale v. Estep*, 3 Bl. 439.

See sec. 171.

See art. 87, sec. 17, *et seq.*

*Ibid.* sec. 156. 1888, art. 75, sec. 144. 1860, art. 75, sec. 105.  
1817, ch. 139, sec. 2.

**162.** Each clerk of the circuit courts for the several counties and the clerk of the superior court of Baltimore city shall send to