

in transitory actions, in any district where he could be "found," that is, where process could be served upon him.

This provision allowing a suit in transitory actions to be brought against a defendant in any district where he could be "found" at the time of serving process and of commencing such proceeding, is dropped and not re-enacted in section 1 of the act of March 3, 1887 (24 Stats., 552); but, on the contrary, the clause here is in the following words:

"And no civil suit shall be brought before either of the said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant."

This clause, it will be perceived, is therefore identical with the corresponding provision in said act of August 13, 1888 (25 Stats., 434).

It has, accordingly, been steadily held by the courts, since the enactment of the said acts of 1887 and 1888 that no civil suit, of a transitory nature, can be brought against any defendant in any other district than that whereof he is an inhabitant. For example, in *Preston vs. Manufacturing Company* (36 Fed. Rep., 721), decided November, 1888, in Circuit Court, Northern District Illinois, by Blodgett, J., it is decided that—

"Under the act of Congress of March 3, 1887, as modified and explained by the act of August 13, 1888, requiring an action in the Federal courts to be brought in the district of which the defendant is a resident, a New York corporation, having its principal office in that state, and doing business in Illinois, cannot be sued in the Federal courts in Illinois."

In the body of the opinion Blodgett, J., uses this language:

"In the case of *Manufacturing Co. vs. Manufacturing Co.*, in 34 Federal Reporter, 818, before me in March last, I