

ticular counties under sec. 87,<sup>10a</sup> see the Cape Sable Company's case, 3 Bl. 656, and those incorporated under the general law, 1868, ch. 471, must, under sec. 210<sup>11</sup> of that act, be sued in the county where the certificate of incorporation is required to be and is recorded.

This obligation of suing the defendant in transitory actions in the county of his residence, and the liberty allowed to either party, in any case, upon suggestion that he cannot have a fair and impartial trial where the suit is brought, or that the Judges of that court are disqualified to sit in it, to have it removed to some other court (and in a different Circuit if he shall so elect), Const. Art. 4, sec. 8, Act 1868, ch. 180,<sup>12</sup> have entirely superseded the English practice of allowing the plaintiff to bring such a suit where he pleases, subject to the change of venue by the Court to the place where the action arose.

At common law, a wrong venue rendered the judgment erroneous. But this was altered by this Act and 4 Ann. c. 16, s. 6, which latter section is, in view of our Acts of Assembly, not in force here. Under the first, it was decided in *Craft v. Boite*, 1 Wms. Saund. 247, and the decision has ever since been adhered to, that after verdict, an erroneous award of the *venire facias* into another county was remedied. The Statute of Anne directed that the *venire facias* should be awarded out of the body of the county where the issue is triable, and thus abolished all distinction of venues in the same county. It has already been observed that it is error to bring a local action in a wrong county; though where matter in one county is dependent on matter in another county, the plaintiff may lay his action in either, *Bulwer's case*, 7 Rep. 2 a. But by the Code, Art. 75, sec. 46,<sup>13</sup> if tracts of land, or contiguous tracts lie partly in one county and partly in another, ejectment may be brought for the whole in one of the counties,

<sup>10a</sup> See note 3 *supra*.

<sup>11</sup> **Suit and process against corporations.**—This section has been repealed and re-enacted from time to time. The present law with regard to suit and process against domestic corporations is found in sec. 87 of Art. 23 of the Code of 1911. *Phillips v. Baltimore*, 110 Md. 431; *Henderson v. Ins. Co.*, 90 Md. 47; *Fairfax Co. v. Chambers*, 75 Md. 604; *Fidelity Asso. v. Ficklin*, 74 Md. 172; *Baltimore Turn. Co. v. Crowther*, 63 Md. 558; *Universal Ins. Co. v. Bachus*, 51 Md. 28; *Cromwell v. Ins. Co.*, 49 Md. 366; *Myer v. Ins. Co.*, 40 Md. 595.

As to suits and process against foreign corporations, see Code 1911, Art. 23, sec. 92; *Central Ry. Co. v. Eichberg*, 107 Md. 363; *Boggs v. Mining Co.*, 105 Md. 371; *Hodgson v. Southern Asso.*, 91 Md. 439; *Condon v. Mutual Asso.*, 89 Md. 99; *Crook v. Girard Co.*, 87 Md. 138; *North State Co. v. Field*, 64 Md. 151; *Wagner v. Shank*, 59 Md. 313. See also Code 1911, Art. 75, sec. 23; *Henderson v. Ins. Co. supra*; *Girard Ins. Co. v. Bankard*, 107 Md. 538.

**A municipal corporation** is not liable to suit in a transitory action in a court outside of its territorial limits. *Phillips v. Baltimore*, 110 Md. 431. *Contra*, as to local actions. *Baltimore v. Turnpike Co.*, 104 Md. 351.

<sup>12</sup> See Code 1911, Art. 75, sec. 102 *et seq.*

<sup>13</sup> This and the succeeding section were repealed and re-enacted with amendments into one section by the Act of 1872, ch. 346. See Code 1911, Art. 75, sec. 74.