

taken from the place of its residence; because a corporation has a fixed place where it is settled, and whence it cannot be removed, like a natural person; and therefore, that a *distringas* against it to compel an appearance, or obedience to an order or decree, must be directed to the sheriff of the county wherein it is resident. *Gilb. Com. Pleas*, 228; 1 *Harr. Pra. Chan.* 263. In some cases the Legislature has anticipated and removed all ambiguity and difficulty in relation to this matter by expressly declaring, that suits against it shall be prosecuted in the County Court of the county in which the president of the body politic shall reside. 1797, ch. 70, s. 24. (n)

Admitting it, however, to be true, as a general rule, that all process against a corporation should be directed to the sheriff of that county of which it is resident; that there may be corporations liable to be sued any where, because of their having no distinctly fixed place of residence; and that this judgment, confessed in the Court of Anne Arundel County, cannot be deemed illegal, because of that county not having been the residence of the Cape Sable Company; yet, as its Act of incorporation has declared, that a meeting of its stockholders shall be held on the first Monday of April of every year, in the City of Baltimore, 1818, ch. 195, s. 2; the law has, so far as a special domicil can be given to such an institution, fixed its local habitation in the City of Baltimore. It is therefore clear, that this case comes within the spirit, if not within the letter of the provisions of those Acts of Assembly which declare it to be unlawful to sue or arrest any inhabitant out of his proper county; or where he may happen to be found about his necessary affairs out of the county where he resides. 1714, ch. 4, s. 2; 1728, ch. 24, s. 2; 1796, ch. 43, s. 14; 1801, ch. 74, s. 11. And, as it is obvious, that a fraud may be more easily practised by suing

658 and obtaining a *judgment against a corporation in a county different from that of its visible and public location, the confession of a judgment in a Court not having jurisdiction over the place of its residence, is a fact which should not be overlooked in an investigation of a charge of fraud, alleged to have been perpetrated by means of such a proceeding.

But although this Court could not revise or reverse the judgment which Oliver had obtained in Anne Arundel County Court, yet its defects and infirmities, as indicated, were so palpable, that as he, himself, declares in his answer, he deemed it a mere nullity, which it was most prudent at once to abandon, and endeavor to authenticate his claim by a correct judgment; and, that, being

(n) It has been since declared, that where a *scire facias* may be ordered against a corporation to shew cause why its charter should not be vacated, the writ shall issue out of the County Court of the county which shall be used by it for keeping its place of business in, &c.—1832, ch. 306, s. 3.