

The question of jurisdiction and privilege arising out of this section may be raised by motion for *non pros.*, or by plea "in the nature of a plea in abatement." If such question is raised by motion, it is passed upon by the court; if by plea, by jury. Practice. *Tyler v. Murray*, 57 Md. 435. And see *Yoe v. Gelston*, 37 Md. 235; *State v. Gittings*, 35 Md. 173; *Gittings v. State*, 33 Md. 463; *Hamilton v. State*, 32 Md. 352.

In view of art. 1, sec. 15, this section applies to private corporations. It does not, however, apply to municipal corporations. *Phillips v. Baltimore*, 110 Md. 436; *Henderson v. Maryland Home Ins. Co.*, 90 Md. 49. Cf. *Baltimore v. Meredith's Ford Turnpike Company*, 104 Md. 351. As to law prior to art. 1, sec. 15, see *Baltimore, etc., Co. v. Crowther*, 63 Md. 571.

What is carrying on "any regular business" or habitually engaging "in any avocation or employment," within the meaning of this section? *State v. Shipley*, 98 Md. 661; *Cromwell v. Willis*, 96 Md. 264; *Gambrill v. Schooley*, 95 Md. 275; *Chappell v. Lacey*, 77 Md. 173.

What constitutes "residence" within the meaning of this section? *Tyler v. Murray*, 57 Md. 441.

Where defendant pleads in abatement that he is not a resident of county in which he is sued and does not carry on any regular business, etc., therein, burden of proof is upon him. *Gambrill v. Schooley*, 95 Md. 271.

A defendant cannot avail himself of privilege or exemption allowed by this section, after time for filing dilatory pleas. Purpose of this section. *Cromwell v. Royal Ins. Co.*, 49 Md. 383; *Yoe v. Gelston*, 37 Md. 236; *State v. Gittings*, 35 Md. 172.

This section referred to in discussing the distinction between local and transitory actions. Sec. 158 shows that the last clause of this section does not include all the actions excepted from its operation. *Crook v. Pitcher*, 61 Md. 514. And see *Patterson v. Wilson*, 6 G. & J. 500.

In view of art. 1, sec. 14, the word "county" as used in this section includes the city of Baltimore. *Chappell v. Lacey*, 77 Md. 173.

As to when an objection to the jurisdiction is waived, see *State v. Shipley*, 98 Md. 662; *Ireton v. Baltimore*, 61 Md. 432.

For a case dealing with act of 1801, ch. 74, see *Cape Sable Co.'s Case*, 3 Bl. 664.

As to process against insurance, surety or bonding companies, see sec. 27.

See notes to art. 16, sec. 91.

An. Code, sec. 148. 1904, sec. 145. 1888, sec. 133. 1785, ch. 87, sec. 4. 1838, ch. 329. 1916, ch. 617.

158. If any trespass shall be committed on any real property and the person committing the same shall remove from the county where said property may lie or cannot be found in such county, such trespasser may be sued in any county where he may be found, and all warrants of resurvey in such cases shall be directed to and executed by the Sheriff and Surveyor of the County where the land lies and returned to the Court from which the warrant issued or to the Court to which the case may have been removed for trial before the return of said warrant; and an executor may be sued either in the county where he resides or where he obtained administration.

Under this section a suit in trespass *q. c. f.* must be brought in county where the land lies and where injury was committed, unless defendant removes therefrom or cannot be found therein; hence, a municipal corporation may be sued in such action in courts other than its own. *Baltimore v. Meredith's Ford Turnpike Co.*, 104 Md. 358.

This section shows that the last clause of sec. 157 does not include all the actions excepted from its operation. *Crook v. Pitcher*, 61 Md. 514.

This section referred to as showing that the distinction between local and transitory actions still exists. *Patterson v. Wilson*, 6 G. & J. 500.

The last clause of this section is intended to facilitate recovery against an executor, and does not affect nature of demand. *Bonaparte v. State*, 63 Md. 474; *Hopper v. Brodie*, 130 Md. 445.