

CORPORATIONS.

PROPERTY
OF THE
STATE OF MARYLAND

matter thereof lies; and process against such corporation may be served as hereinabove provided, and may be directed to the sheriff of any County or of the City of Baltimore, returnable to the Clerk of the Court out of which same issued. And whenever any corporation of this State has become surety on any bond required by law to be filed in any Court thereof or with any register of wills, public board or official—suit against such corporation on such bond may be brought in the city or county where the same is filed. Nothing herein shall prevent or affect the issuance of such attachments against corporations of this State as are now or may hereafter be allowed by law.

Generally.

Construing together secs. 409 to 412 of the Code of 1904, held that where a foreign or domestic corporation ceased to have an agent in this state after contracting a liability to a citizen of Maryland while transacting business here, process might be served against such corporation as to such liability by service upon the president or any director or manager of the corporation found here. *Boggs v. Inter-American Mining Co.*, 105 Md. 385.

An attorney of a corporation is not an "officer," and hence a summons may not be served on him as a member of the first class enumerated in this section. If a director resides in Maryland, service should be made upon him before resorting to those mentioned in the second class. *Wash. & Rock. Rwy. Co. v. Johnson*, 127 Md. 221.

A service on a person as the agent of a corporation not professing to be on him as a director or officer, and when no copy of the process is left with such person, is improper under this section. Process may not be served by reading the writ over the telephone. Irregularities in service of process held not to have been waived by an entry of an appearance or the signing of a return; authority in this regard of director and agent. *Sharpless Separator Co. v. Brillhart*, 129 Md. 89.

Although a corporation was not amenable to process under sec. 410 of the Code of 1904, yet, having voluntarily appeared and the case having been tried on its merits, the court acquired jurisdiction. *Gemundt v. Shipley*, 98 Md. 664; *Fairfax, etc., Co. v. Chambers*, 75 Md. 614.

The return of the sheriff ought to show affirmatively upon what person or persons the process was served. Service on the attorney for a corporation is not sufficient. Waiver of service. Admission of service by attorney. *Northern Central Ry. Co. v. Rider*, 45 Md. 31; *Dugan v. Baltimore*, 70 Md. 7.

This section has no application to municipal corporations. *Phillips v. Baltimore City*, 110 Md. 437.

The word "process," as used in the act of 1832, ch. 306, sec. 5, was sufficiently comprehensive to apply to the service of writs of attachment on a corporation as garnishee. *Boyd v. Chesapeake, etc., Canal Co.*, 17 Md. 210.

Sec. 410 of the Code of 1904, referred to in deciding that a turnpike company might be sued in the county where its road is located, where its operations are carried on and where it exercises its corporate powers, although its principal office is elsewhere. *Baltimore, etc., Co. v. Crowther*, 63 Md. 572.

Act of 1884, ch. 316, only had to do with the service of process. Sec. 410 of the Code of 1904, referred to in deciding that art. 75, sec. 157, was applicable to corporations. *Henderson v. Md. Home Ins. Co.*, 90 Md. 50.

Sec. 410 of the Code of 1904, referred to in construing sec. 411 of said Code—see notes to sec. 118. *Central, etc., R. R. Co. v. Eichberg*, 107 Md. 366; *Crook v. Girard Iron Co.*, 87 Md. 140. *Gottschalk Co. v. Distilling Co.*, 50 Fed. 681.

Cross references.

See notes to sec. 118.

As to process upon insurance and surety companies, see also art. 75, sec. 27. See also art. 48A, sec. 138

As to service of process upon telegraph and express companies, see also art. 56, sec. 162.