

nothing herein contained shall apply to any person who shall abscond from justice in the county where he lives, but such person may be sued in any county where he may be found; and provided further, that any person who resides in one county but carries on any regular business, or habitually engages in any avocation or employment in another county, may be sued in either county, whether before a justice of the peace or in a court of law or equity; this section not to apply to ejection, dower, replevin, *scire facias* on judgment or decree, nor to heirs, devisees or terre-tenants, against whom process may be issued to another county.

Cited in *Abrams v. Abrams* (Judge Offutt, Circuit Court for Baltimore Co.), Daily Record, Jan. 9, 1939.

Resident of Naval Academy grounds may be sued in Anne Arundel County; jurisdiction in divorce case—see notes to art. 16, sec. 38. *Lowe v. Lowe*, 150 Md. 608.

Cited but not construed in *Sanitary Grocery Co. v. Soper*, 146 Md. 136 (see notes to art. 9, sec. 46).

A warrant of attorney, in a promissory note, empowering any attorney, on non-payment of note, to appear for the maker in any court of record and confess judgment thereon, authorizes confession of judgment in another county than that of residence of the maker. *Colt Co. v. Wright*, 162 Md. 387.

Corporation, with plant and offices in County, cannot be sued in Baltimore City merely because it submitted bids in City for supplying materials to various public agencies or because some one sold, on a commission basis, materials of said corporation, such orders being subject to acceptance or rejection at the office in the County. *Grove Lime Co. v. Wolfenden*, 171 Md. 299.

Cited in construing Art. 16, Secs. 14 and 15. *Woodcock v. Woodcock*, 169 Md. 45, 47.

This section does not entitle defendant, sued in the County in which he resided when suit was filed, to have writ of summons quashed because he thereafter moved to another County. *Stempler v. Wilson*, 175 Md. 667.

The words "avocation" and "employment" are used synonymously and failure to use "avocation" in motion for judgment of *non pros* was not defective. *McCormick v. Hullcoat*, 174 Md. 493.

A lawyer practicing and living in Carroll County but having an office as a Federal appointee in Baltimore City may not be sued in the city. *Bank of Balto. v. Steele*, 143 Md. 486.

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. 96.