

Objection to summons *duces tecum* directed to General News Service, and to General News Bureau, Inc., but served on person in service of the latter, was highly technical and was not ground for quashing citation for contempt in disobeying summons. *Ex parte* General News Bureau, 162 Md. 646.

See notes to sec. 109.

The following decided prior to ch. 504, 1937:

When, and relative to what, a foreign corporation may be sued in Maryland.

Sec. 411 of the Code of 1904 did not give Maryland courts jurisdiction over the internal affairs of a foreign corporation, nor any visitatorial power over it so that its charter might be forfeited or its officers removed; nor can Maryland courts exercise authority over the by-laws or the relations between the corporation and its members growing out of the law of its creation. Object of said section. Controversy held to relate solely to the internal management of a corporation. *Condon v. Mutual Reserve Assn.*, 89 Md. 116; *North State, etc., Co. v. Field*, 64 Md. 153.

The object of sec. 411 of the Code of 1904, was to enlarge the jurisdiction of our courts over foreign corporations doing business in this state. Said section does not apply to a suit by a non-resident upon a foreign contract, and in such case the foreign corporation is not amenable to process unless it voluntarily appears, in which event the court acquires jurisdiction. *Fairfax, etc., Co. v. Chambers*, 75 Md. 614.

A railroad company of Georgia, having a traffic arrangement with a steamship line in Maryland running from Baltimore to Savannah, and which employed an agent in this state to solicit freight, held to be "doing business" in this state, within the meaning of sec. 411 of the Code of 1904. Service of process made on such agent, held sufficient to bind the railroad company. *Central of Ga. R. R. Co. v. Eichberg*, 107 Md. 366. *Cf. Gottschalk Co. v. Distilling Co.*, 50 Fed. 681.

The delivering carrier does not, under the Carmack amendment, become the agent of the initial carrier (a foreign corporation not otherwise carrying on business in Maryland), so as to make it suable in this state. Service on agent of home railroad; meaning of "regularly doing business." *Stewart Fruit Co. v. Railroad Co.*, 143 Md. 64.

Under sec. 411 of the Code of 1904, a suit might be maintained in Maryland by a resident of Virginia against a Pennsylvania corporation where the application for insurance, the examination of the applicant, the delivery of the policy and the payment necessary to its validity, all took place in this state. *Fidelity Life Assn. v. Ficklin*, 74 Md. 179.

Where a foreign corporation has no place of business in Maryland, and has had no transactions in this state other than the purchase of certain machinery, it is not amenable to process here. *Cook v. Girard Iron Co.*, 87 Md. 140.

A foreign corporation held to be "doing business" in Maryland within the meaning of this section; agents held to have implied authority to receive service of process. *State v. Penna. Steel Co.*, 123 Md. 217.

Attachments.

To bring a case within the operation of the first portion of sec. 411 of the Code of 1904, applicable to resident plaintiffs, the obligation sought to be enforced must be a *direct* liability to such plaintiff. A resident plaintiff cannot maintain an attachment in this state where the cause of action did not arise here and both the garnishee and the defendant are non-residents. Motion to quash held to have been made in time. *Cromwell v. Royal, etc., Ins. Co.*, 49 Md. 373; *Meyer v. Liverpool, etc., Ins. Co.*, 40 Md. 601. *Cf. Hodgson v. Southern Bldg. Assn.*, 91 Md. 445. And see *Universal Life Ins. Co. v. Bachus*, 51 Md. 30; *Odend'hal v. Devlin*, 48 Md. 445.

The last portion of sec. 411 of the Code of 1904 (providing that nothing "in this article" should prevent or effect attachments against corporations), applied. *Hodgson v. Southern Bldg. Assn.*, 91 Md. 448.

Service and return of process.

Construing together secs. 409 to 412 of the Code of 1904, it was 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.

Since sec. 411 of the Code of 1904 required that in case service was made upon an agent of the corporation, notice of such process should be left at the corporation's principal office, if the latter requirement is not complied with, a judgment founded on such defective process is void. *Wagner v. Shank*, 59 Md. 322.

The object of the portion of this section requiring a copy of the process to be left at the corporation's principal office being to inform the company of the process against it, a copy of a summons directed to an agent of the company would be misleading, and does not bind the corporation; practice in raising the question of the validity of such summons. *Smith Premier Co. v. Westcott*, 112 Md. 150.