

where the process issued; and any writ or summons, when so served and returned, shall have the same effect as if it had been served on the defendant or defendants by the sheriff of the county in said county from a court of which the said writ of summons may issue.

The writ of summons need not state the particular form or nature of the action; summons held sufficient; when motion to quash should be made. *Ritter v. Offutt*, 40 Md. 210.

Purpose of the act of 1884, ch. 128. This section referred to in construing section 147—see notes thereto. *Henderson v. Maryland Home Ins. Co.*, 90 Md. 51.

Cited but not construed in *State v. Logan*, 33 Md. 7.

As to process against insurance, surety or bonding companies, see sec. 23.

As to process where a new party is out of the county in which the suit has been brought, or out of the state, see sections 32 and 33.

As to service of process upon corporations, see art. 23, sections 87, 92 and 182. As to telegraph and express companies, see also, art. 56, sec. 124.

As to process in equity, see art. 16, sec. 139, *et seq.*

1904, art. 75, sec. 142. 1888, art. 75, sec. 130. 1860, art. 75, sec. 85. 1796, ch. 43, sec. 2. 1852, ch. 336.

145. If the defendant is returned "summoned," and the defendant returned "summoned" shall fail to appear, the court shall, on the second day of the term to which the summons is returnable, enter the appearance of any defendant so summoned and failing to appear, and the action shall proceed in the same manner as if the party had appeared in person.

This section does not apply to summary proceedings against a collector and his sureties, but was intended for cases required to proceed by regular stages of pleading to judgment. Effect of this section. This section construed in connection with article 81, sections 76 and 77. *Sprigg v. State*, 54 Md. 478.

This section applies to the common law courts of Baltimore city. Presumption that the lower court complied with the requirements of this section. *Horner v. O'Laughlin*, 29 Md. 471.

Ibid. sec. 143. 1888, art. 75, sec. 131. 1860, art. 75, sec. 86. 1796, ch. 43, sec. 4.

146. Where there are more than one defendant, and some shall appear, and some who have been summoned shall fail to appear, the court shall have an appearance entered for those who fail to appear, and the same proceedings shall be pursued as if all had appeared.

Ibid. sec. 144. 1888, art. 75, sec. 132. 1860, art. 75, sec. 87. 1801, ch. 74, secs. 11, 12. 1888, ch. 456. 1898, ch. 255.

147. No person shall be sued out of the county in which he resides until the sheriff or coroner of the county in which he resides shall have returned a *non est* on a summons issued in such county; provided, that 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 ejectment, dower,