

returned *non est*, an attachment with proclamations may issue; and if the defendant shall fail to answer by the first day of the term next after that to which the last named attachment was returnable, the court in either case may pass a decree *pro confesso* against such defendant, or may order testimony to be taken *ex parte*; any defendant under this or the preceding section may answer at any time before final decree, on such terms as the court may prescribe.

Cited but not construed in *Neale v. Hagthrop*, 3 Bl. 574; *Buckingham v. Peddicord*, 2 Bl. 453.

See notes to secs. 164 and 167.

An. Code, sec. 197. 1904, sec. 188. 1888, sec. 175. 1773, ch. 7. 1785, ch. 72. 1799, ch. 79. 1818, ch. 193. 1820, ch. 161.

212. A plaintiff may take, at his election, any of the proceedings authorized by this article against a defendant who fails to appear or answer.

Cited but not construed in *Neale v. Hagthrop*, 3 Bl. 573.

An. Code, sec. 198. 1904, sec. 189. 1888, sec. 176. 1815, ch. 163, sec. 7. 1817, ch. 139. 1819, ch. 144, sec. 3.

213. A court of equity may issue process of any sort, including commissions to take testimony, to any part of the State.

Cited but not construed in *Deale v. Estep*, 3 Bl. 439.

An. Code, sec. 199. 1904, sec. 190. 1888, sec. 177. 1886, ch. 441.

214. The court may at any stage of a cause or matter, on the application of any party thereto, or party in interest, by motion or petition, or of its own motion, order the issue of a mandate (affirmative injunction) or injunction, directing and commanding any party to such cause or matter, or any party properly brought before it under the existing practice, to do, or abstain from doing, any act or acts, whether conjointly or in the alternative, whether in the nature of specific performance or otherwise named in such mandate or injunction, and may make such terms and conditions (as to security, &c.,) as to it may seem fit, preliminary to the granting of such mandate or injunction.

This section held to cure any defect arising out of an injunction not being embraced in the prayer for that writ. *Supreme Lodge v. Simering*, 88 Md. 288; *Washington County v. School Commissioners*, 77 Md. 291; *B. & O. R. R. Co. v. Silbereisen*, 121 Md. 413.

The issue and continuance of an injunction, upheld under this section. *Horner v. Nitsch*, 103 Md. 508. And see *Baltimore v. Poole*, 97 Md. 68; *B. & O. R. R. Co. v. Silbereisen*, 121 Md. 413.

This section referred to in construing sec. 216—see note thereto. *Baker v. Baker*, 103 Md. 272.

As to injunctions, see also sec. 81, *et seq.*

An. Code, sec. 200. 1904, sec. 191. 1888, sec. 178. 1886, ch. 441.

215. Any party to the cause or matter, party in interest or party against whom such mandate or injunction may issue, may move to have the same discharged or dissolved, and an appeal may be taken by any of such parties from the order granting such mandate or injunction, or the refusal to discharge or dissolve the same in such cases, and in such manner and on such terms as is now allowed in cases of injunctions.

This section referred to in construing sec. 216—see note thereto. *Baker v. Baker*, 103 Md. 272.

See notes to art. 5, sec. 31.