

A sheriff's return is *prima facie* evidence of its truth. Maryland statutes do not provide a method of serving summons in an ordinary action at law. Deafness not proven. This section and art. 75, sec. 76, art. 23, sec. 103, and art. 16, sec. 167, referred to in upholding service of a summons on husband and wife. *Adkins v. Selbyville Co.*, 134 Md. 503.

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

Purpose of act of 1884, ch. 128. This section referred to in construing sec. 157—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. 127.

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 secs. 36 and 37.

As to service of process upon corporations, see art. 23, secs. 109 and 119. As to insurance companies, see art. 48A, sec. 172, see also sec. 27 (this article).

As to process in equity, see art. 16, sec. 161, *et seq.* As to process against corporations in criminal cases, see art. 27, secs. 815 and 816. As to suit and process against Adams Express Company and other unincorporated stock companies, see art. 23, sec. 123.

An. Code, 1924, sec. 154. 1912, sec. 144A. 1914, ch. 240.

154. On the return of an original writ to any of the Circuit Courts of the State, not executed in any of said Courts the same shall be renewed, returnable to the next return day thereafter, and after two returns of any original writ not executed at the two succeeding return days after the writ is first issued, the same shall be permitted to lie dormant, returnable only on the written order of the plaintiff, or his attorney of record, to such future return day as the said plaintiff, or his attorney, may elect, and upon a further return of not executed, said writ shall be again permitted to lie, renewable only as aforesaid, the said plaintiff, or his attorney, having the right to renew said writ to as many subsequent return days, under the same mode of procedure as may be deemed proper, until the same is executed.

An. Code, 1924, sec. 155. 1912, sec. 145. 1904, sec. 142. 1888, sec. 130. 1796, ch. 43, sec. 2. 1852, ch. 336.

155. 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 art. 81, secs. 66 and 67. *Sprigg v. State*, 54 Md. 478.

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

An. Code, 1924, sec. 156. 1912, sec. 146. 1904, sec. 143. 1888, sec. 131. 1796, ch. 43, sec. 4.

156. 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.

An. Code, 1924, sec. 157. 1912, sec. 147. 1904, sec. 144. 1888, sec. 132. 1801, ch. 74, secs. 11, 12. 1888, ch. 456. 1898, ch. 255.

157. 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