

P. G. L., (1860,) art. 16, sec. 120. 1773, ch. 7, sec. 3. 1785, ch. 72, secs. 19-20. 1799, ch. 79, sec. 5. 1832, ch. 302, sec. 3.

173. In any case where a defendant has been returned summoned and shall fail to appear, an attachment may issue to compel the appearance; and if the attachment is served and the party fails to appear by the first day of the next term after the term to which such attachment was returnable, or if the attachment be returned *non est*, an attachment with proclamations may issue, and if the defendant shall not appear by the first day of the term next after that to which the attachment with proclamations was returnable, the court in either case may pass a decree *pro confesso*, or may order testimony to be taken *ex parte*.

West v. Briscoe, 6 H. & J. 462. Fitzhugh v. McPherson, 9 G. & J. 51. Grove v. Fresh, 9 G. & J. 280. Lockett v. White, 10 G. & J. 489. Crapster v. Griffith 2 Bl. 1. Kipp v. Hanna, 2 Bl. 26. Binney's Case, 2 Bl. 99. Buckingham v. Peddicord, 2 Bl. 447. Deakin's Case, 2 Bl. 398. McKim v. Odom, 3 Bl. 415. Neale v. Hagthorpe, 3 Bl. 551. Cape Sable's Case, 3 Bl. 606. Long v. Long, 9 Md. 348. Kunkel v. Spooner, 9 Md. 469. Wampler v. Wolfinger, 13 Md. 337.

Ibid. sec. 121. 1785, ch. 72, secs. 19-20. 1799, ch. 79, sec. 2. 1832, ch. 302, sec. 3.

174. If any defendant after appearance shall fail to answer within the time prescribed by the rules of court, an attachment may issue against such defendant to compel him to answer, and he may be committed as for a contempt for not answering; and if the attachment shall be returned served, and the defendant does not answer by the first day of the term next after that to which the attachment was returnable, or if the attachment be 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.

Ibid.

Ibid. sec. 122. 1773, ch. 7. 1785, ch. 72. 1799, ch. 79. 1818, ch. 193. 1820, ch. 161.

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