

or delay the enforcement by the comptroller, county commissioners, or others interested, of their rights and remedies, to the same extent and effect as if this act had not been passed. CHAP. 76.

SEC. 6. *And be it enacted,* That this act shall take effect from and after the date of its passage.

CHAPTER 76.

*AN ACT prescribing the Process in Civil Actions in the Courts, and before Justices of the Peace.* Passed April 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That in all civil suits or actions at law in the several courts of this State, the process to compel the appearance of defendants, shall be a summons instead of the *capias ad respondendum* formerly used, and such summons shall state the purpose for which the party is summoned, in the manner in which it was heretofore stated in the *capias*. Process to compel appearance of defendants.

SEC. 2. *And be it enacted,* That when the summons is returned summoned, if the defendant or defendants therein named, and so returned summoned, do not 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 suit or action shall proceed in the same manner as if the party defendant had appeared in person or by attorney. Suit to proceed in same manner as if defendant had appeared.

SEC. 3. *And be it enacted,* That the process to be issued by justices of the peace in civil cases, shall be a summons, instead of the warrant heretofore used, and if the summons shall be returned summoned, and the defendant shall fail to appear on the return day of such summons, then the justice shall fix a day of trial, not less than six days nor more than fourteen days from the return day, and proceed to try such case *ex parte*, the defendant to have the right to appear at any time before judgment, and make any defence he may have, as if he had appeared at the return day of the summons. Process issued by justices of peace, in civil cases, to be a summons.

SEC. 4. *And be it enacted,* That where there is more than one defendant, and some shall appear and the other or others who has or have been summoned, shall Mode of entering appearance, where there is more than one.