

1864, ch. 6, sec. 4. 1886, ch. 184. P. L. L. (1888), Art. 4, sec. 161.

306. After the execution of any writ or other process made returnable to a return day in either of said courts, the same proceedings may be had thereupon as if the same had been made returnable, and had been returned to a term of said court under the practice heretofore existing, except as hereinafter otherwise provided.

Exemption from service of process in civil actions. A non-resident here for the sole purpose of attending upon the trial of a case to which he is a party, is exempted from the service of process in a civil action. But such privilege may be waived or lost by *laches*, and must be availed of at proper time by plea or motion.

Foss v. Carnell, Daily Record, January 23, 1894.

1864, ch. 6, sec. 5. 1886, ch. 184. P. L. L. (1888), Art. 4, sec. 162.

307. If a defendant be returned "summoned," and shall fail to appear, the clerk of the court on the day following the return day to which the writ or process served on him is returnable, shall 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.

1886, ch. 184. P. L. L. (1888), Art. 4, sec. 163.

308. When a declaration in any action shall be filed in court, and a copy thereof delivered to the defendant before the day of the return or the writ, and the defendant shall be summoned before the said day of the return of the writ, he shall plead before the next succeeding return day, or judgment by default for want of a plea shall be entered by the court or clerk thereof, upon motion in writing made by the plaintiff, or his attorney, then, or at any time thereafter, before the filing of a plea by the defendant, unless the court for good reasons shall have granted said defendant further time to plead; and upon such entry of judgment, the plaintiff may forthwith sue out his writ of inquiry, or otherwise enter up final judgment according to the course of the court.

Cooper v. Roche, 36 Md. 563. Cf., Condon v. Gore, 89 Md. 230. Fleck v. Towers, 152 Md. 336.

The clerk has no authority to enter up a judgment for want of a plea except on motion therefor by the plaintiff or his attorney.

Griffith v. Graham, Daily Record, July 15, 1891.

Practice—time, election jury trial—rule, Supreme Bench, effect of—mode presenting rule, Court of Appeals.

Baltimore v. Thomas, 115 Md. 212.

1886, ch. 184. P. L. L. (1888), Art. 4, sec. 164.

309. When any action shall be brought upon a titling and the defendant shall have been summoned, the plaintiff shall file his declaration within fifteen days after the return day to which said defendant had been summoned, or judgment of *non pros.* may be entered by the court or the clerk thereof against him for want of a declaration, upon motion in writing made by the defendant at any time thereafter, unless the court for good cause shown shall grant further time; but if the plaintiff shall have filed his declaration in any such action, at any time before the entry of a judgment of *non pros.* against him, the defendant shall be required to