

C H A P.
LXXIX.
Bill may be
taken *pro con-*
fesso, &c.

allegations of a sutor *pro confesso*, BE IT ENACTED, That in all cases whatever, where the chancellor is authorized to decree without the appearance of the defendant or defendants, it shall be at the discretion of the chancellor, either to take the bill *pro confesso*, or direct a commission for taking depositions *ex parte*, as by law is directed in certain cases where the defendants are nonresidents.

A commission
may issue to one
person, &c.

VI. AND BE IT ENACTED, That hereafter, with the consent of the party or parties in court, and with the approbation of the chancellor, a commission for any purpose whatever, which may lawfully issue from the chancery court in any cause there depending, or hereafter to be instituted, may be directed to one person only, or to three persons, with power to any two, and the person or persons to whom it shall be directed shall have the same authority as has heretofore been reposed in any greater number.

In case of ef-
cheat land, suit
may be brought,
&c.

VII. AND BE IT ENACTED, That in all cases where land has escheated, or shall escheat, to the state, or hath or shall become the property of the state, from the purchase thereof by an alien, or hath been confiscated as the property of a British subject, any person having any claim to the said land, or any part thereof, or having a lien or charge upon the same, or a title in equity, may bring a suit against the state in any court of law or equity, as the case may require, in the same manner as it might have been brought against the person from whom it hath devolved on the state; and if any such suit be brought in the chancery court, the attorney-general shall be the defendant in behalf of the state, between whom and the complainant or complainants there shall be such proceedings as might have been between the said complainant or complainants and the person whose title hath devolved on the state; provided, that in no case shall the state be burthened with costs, or otherwise in consequence of having the said title.

All costs to be
charged to the
complainant,
&c.

VIII. AND BE IT ENACTED, That in all cases whatever, where a suit shall hereafter be instituted against the state in the said court of chancery, all costs in the said suit shall be charged to the complainant or complainants, and the state shall not be answerable for any part thereof, unless the chancellor shall be of opinion that the necessity of bringing such suit hath not been owing to the fault or negligence of the said complainant or complainants, and in case the chancellor shall be of such opinion, he shall have power to decree with respect to costs as to him justice shall seem to require; provided, that in no case shall the state be liable to costs in which it is not at present liable.

Defendant ap-
pearing to an-
swer, &c.

IX. AND BE IT ENACTED, That in case any defendant shall hereafter appear in the court of chancery, either in person or by a solicitor, agreeably to an order limiting a day for such appearance, or shall voluntarily so appear to a bill filed in chancery, he shall put in a good and sufficient answer to each interrogatory contained in the bill, or a plea or a demurrer to the same, on or before the fourth day of the term succeeding such appearance, he shall otherwise be liable to be proceeded against, if a resident of the state, as if he had been duly summoned and appeared as in ordinary cases, and if he be a nonresident, either the bill shall be taken *pro confesso*, or, at the discretion of the chancellor, a commission shall issue for taking depositions *ex parte*, and the chancellor may thereon proceed to decree.

Property taken
to be delivered
back, &c.

X. AND, whereas it sometimes happens, that an injunction from the court of chancery prevents the sheriff from proceeding to sell after he hath taken in execution property of a perishable nature, and doubts are entertained respecting the power, duty and liability of the sheriff, and whatever the law may be, great inconveniencies must arise to one of the parties, or to the sheriff, whether injunction be afterwards dissolved or decreed to be perpetual, BE IT ENACTED, That in case any injunction from the court of chancery shall hereafter issue to prevent a sheriff or other officer from selling personal property taken in execution, immediately on the service of such injunction on the sheriff, or other officer, he shall deliver back the property so taken in execution to the party from whom it was taken, and shall not be answerable to the plaintiff or plaintiffs at law on account of the same; and in all cases where personal property hath been taken in execution, and the sheriff or other officer hath been prevented, by injunction from the chancery court, from selling the same, the sheriff or other officer may deliver the same, if in his possession, to the party from whom it was taken, and shall not be answerable for the same to the plaintiff or plaintiffs at law; and in every case of injunction heretofore issued, if the sheriff or other officer hath taken any personal property out of the possession of the defendant at law who hath obtained the injunction, the said sheriff, or other officer, shall be answerable at law for the said property to the party from whom it was taken.

On injunction,
bond to be can-
celled, &c.

XI. AND BE IT ENACTED, That in all cases where the chancellor has or shall decree a perpetual injunction against the state of Maryland, in favour of persons who have purchased British property