

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 a commission ex parte to take testimony; any defendant under this or the preceding section may answer at any time before final decree, on such terms as the court may prescribe.

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

123. A court of equity may issue process of any sort, including commissions to take testimony to any part of the State.

124. No decree pro confesso shall be passed against an infant or insane defendant under the preceding sections relating to process; but such infant or insane defendant shall be proceeded against according to the provisions of this article relating specially to infants and persons non compos mentis.

SALES.

125. When any suit is instituted to foreclose a mortgage, the court may decree that unless the debt and costs be paid by the time fixed by the decree, the property mortgaged, or so much thereof as may be necessary, shall be sold, and such sale shall be for cash, unless the complainant shall consent to a sale on credit.

126. Where any person dies, leaving any real estate in possession, remainder or reversion, and not leaving personal estate sufficient to pay his debts, on a suit instituted by any of his creditors, the court may decree that all the real estate of such persons, or so much thereof as may be necessary, shall be sold to pay his debts; this to apply to all cases where the heirs or devisees are residents, or non-residents, or are of full age, or infants, or of sound mind, or non compos mentis, and to cases where the party left no heirs, or where it is not known whether he left heirs or devisees, or if the heirs or devisees be unknown, and if there be no heirs, the State's Attorney shall appear to the bill.