

* Such in substance were the principles and practice of the English and Maryland Court of Chancery, when the General Assembly of this Republic commenced that reformation by which so many material alterations have been made. They declared, that in all cases in Chancery, the process of commission of rebellion and sergeant-at-arms, should be omitted as unnecessary; 1785, ch. 72, s. 26; and have virtually abolished the writ of sequestration, as a mesne process, by providing other means, incompatible with its existence, of attaining the same object. 1785, ch. 72, s. 19, 20; 1795, ch. 88, &c.; 1 *Newl. Prac. Cha.* 85. They have prescribed a mode of proceeding against those who may be found within the jurisdiction of the Court; and have also provided a mode whereby relief may be had in equity against absent defendants, who are not resident any where within the State; making all such regulations alike applicable to all cases, upon an original or any other kind of bill; as well where there is only one, as where there are a plurality of defendants, within or out of the State; and thus placing it in the power of the plaintiff to have each defendant brought in, and compelled to answer, or to have the bill taken *pro confesso* against *him; so as to proceed with the case, and to obtain a final decree against all, if necessary, where there is a plurality of defendants. 1785, ch. 72, s. 31; 1820, ch. 161; 1 *Newl. Pra. Cha.* 93; *Darwent v. Walton*, 2 *Atk.* 510; *Mayer v. Tyson*, 1 *Bland*, 560.

In regard to defendants who may be found within reach of the process of the Court, it has been declared, that if a defendant, being of full age, and regularly summoned, shall neglect to appear at the return Court, and shall stand out the process of attachment of contempt, and attachment with proclamation, without appearing and putting in a good and sufficient answer, by the fourth day of the term to which it is returnable, (d) the bill may be taken *pro con-*

the defendant hath not put in any other answer; and that the complainant hath run out all the process of contempt. Therefore, Decreed, that the bill be taken *pro confesso*; that the injunction be made perpetual as to the execution at law complained of in the bill, with costs; and that the complainant have a sequestration.—*Chancery Proceedings, lib. I. R. No. 1, fol. 72, 73.*

CHEW v. MOORE.—The object of this bill, filed on the 15th of February, 1769, was to foreclose a mortgage, &c. The defendant was summoned, and he appeared by his solicitor, but failed to answer.

EDEN, C., February, 1774.—Ruled, if no answer in six months, from the 18th day of February, 1774, bill to be taken as confessed, and decree to be entered accordingly.

After which no answer having been filed, a final decree was passed.—*Chancery Proceedings, lib. No. 1, fol. 56.*

(d) Can a defendant after standing out this process, be allowed, as of course, to come in, and demur or plead? *Curzon v. De La Zouch*, 1 *Swan*, 193; *Cowell v. Seybrey*, 1 *Bland*, 18, *note*; *Forum Rom.* 71.