

from parting with, or paying over the proceeds of the sale of those negroes.

An injunction bond was filed; but, from its not having been, as usual, noted as approved by the Chancellor, it would seem to have been deemed unnecessary in this case. An injunction was granted, issued, and served. A *subpœna* was issued returnable to September term, 1823, and returned served. The defendant not appearing, an attachment was issued returnable to December term, 1823, and returned attached; and it was then renewed and returned attached to March term, 1824, when the following order was passed.

30th March, 1824.—JOHNSON, *Chancellor*. (b)—In this cause the defendant being returned attached for not appearing to the bill of complaint filed by the complainants; and the said defendant not having appeared, upon motion of the complainants by their solicitor; it is this 30th day of March, 1824, *ordered*, that the said defendant, either in person or by his solicitor, put in a good and sufficient answer to each interrogatory contained in the bill, or a plea or demurrer to the same, on or before the 4th day of July term next of this court, or otherwise the Chancellor, upon application of the complainants, and at discretion, will either take the bill *pro confesso*, or direct a commission to issue for taking depositions, and will finally decree as to him shall seem meet and consistent with the established principles of equity, in the same manner as if the said defendant had appeared and depositions had been taken in the usual way. Provided a copy of this order be served on the said defendant, or left at his usual place of abode, before the 20th day of June next.

After which, this order having been returned served, the case was brought before the court for further proceeding.

8th July, 1825.—BLAND, *Chancellor*.—The bill having been taken *pro confesso*, on motion of the complainants' counsel, it is ordered, that a commission issue to *Zadock Magruder* of Montgomery county in this State, and also to *John A. Smith*, of the city of Washington, to take testimony in the cause.

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The commission to *Smith* was returned with testimony, and filed on the 3d of August, 1825, and that to *Magruder* was returned with proofs and filed on the next day.

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(b) The terms and form of this order were adjusted, by Chancellor Hanson, according to the provisions of the act of 1799, ch. 79, s. 2; in the case of *Walsh & others v. Delassere & others*, 19th February, 1800, and it has been followed ever since