

The plaintiffs by an application charged that the defendant *Odom* had left the state, and prayed leave to amend their bill, stating that fact, and praying an order of publication against him. Leave being granted, the amendment was made accordingly. Whereupon, on the 15th of September, 1828, an order of publication was passed, warning him, 'as being at that time out of the state,' to appear and answer on or before the 15th of February then next. But the court on further consideration refused to proceed on this as against a non-resident defendant.

On the 12th of December, 1828, the plaintiffs by their petition, stated, that *The President and Directors of the Franklin Bank of Baltimore*, had been regularly returned summoned; and had refused to answer the amended bill. Whereupon the plaintiffs prayed, that a *distringas* might be issued against that corporation.

5th January, 1829.—BLAND, Chancellor.—A plaintiff has a right to an answer to his bill from the defendant; the mere taking of a bill *pro confesso*, may not, in all cases, serve his purpose; but if the defendant is beyond the jurisdiction of the court, the plaintiff can obtain no more, and must therefore help out his case as he can. If the defendant be within reach he may be compelled to answer, and the plaintiff is entitled, as of course, to the coercive process of the court, for the purpose of forcing his opponent to make a full answer to all the material allegations of his bill. The mode of proceeding against contumacious *natural* persons who neglect or refuse to answer, is well established and sufficiently energetic; but the course of proceeding for that purpose against artificial bodies or corporations, is different, more feeble, and much more tardy; there being no legislative provision for enforcing an appearance or answer from such defendants. (*d*)

So far as I have been able to ascertain, this is the first instance of an application to this court for coercive process against a body politic. Corporations have latterly become very numerous; and new ones are created at almost every session of the Legislature; the matter now submitted for determination, therefore, has an importance much above the interests of the case out of which it

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(*d*) It has been since declared, 'That any process issued by any court of this state against an incorporated company, holding and exercising franchises within said state, may be served upon the president, or any director or manager, or other officer of such company, with the same effect as if such process were served on the president and directors, or a majority of them; and such process shall be deemed to every effect, service upon said corporate body.'—1832, ch. 306, s. 5.