

1904, art. 16, sec. 141. 1888, art. 16, sec. 128. 1860, art. 16, sec. 116.
1820, ch. 161, sec. 2.

150. Whenever any bill shall charge any matter or thing as being within the private knowledge of the defendant and shall pray a discovery, on oath, as to such matter or thing, and an interlocutory decree, as provided for in the last preceding section, shall have been entered, and the plaintiff shall satisfy the court, by affidavit, to be taken in open court and filed in the cause, that such matter or thing does rest in the private knowledge of the defendant, and that there is reasonable ground for believing, *prima facie*, that such matter or thing does exist, the said court is authorized and required to order the bill as to such matter or thing, the same being sufficiently alleged and charged, to be taken *pro confesso*, and to proceed to make a final decree in the case, in the same manner as if such matter or thing had been proved or admitted by answer.

The decree *pro confesso* must precede the final decree upon bills of discovery under this section. *Oliver v. Palmer*, 11 G. & J. 445.

Cited but not construed in *Korus v. Shaffer*, 27 Md. 89; *Purviance v. Barton*, 2 G. & J. 317; *Salmon v. Clagett*, 3 Bl. 148; *Buckingham v. Peddick*, 2 Bl. 454.

See sec. 194.

Ibid. sec. 142. 1888, art. 16, sec. 129. 1860, art. 16, sec. 112. 1799, ch. 79, sec. 5.

151. If any defendant, after appearance and before he puts in a sufficient answer, shall leave the State, or if any non-resident defendant appears and does not put in a sufficient answer, the court may order such defendant to answer by a particular day, and upon his failure to comply with such order, the bill may be taken *pro confesso* against such defendant.

Ibid. sec. 143. 1888, art. 16, sec. 130. 1860, art. 16, sec. 117. 1795, ch. 88, sec. 1. 1797, ch. 114, sec. 3. 1799, ch. 79, sec. 2. 1820, ch. 161, sec. 3.

152. Any defendant against whom an interlocutory decree shall be entered, and also any defendant against whom an order to take a bill as to any matter or thing *pro confesso* may be passed, may appear at any time before final decree and file his answer, on oath, to the bill, which shall be filed forthwith, or within such reasonable time as the court in its discretion, and on special cause shown by affidavit, shall appoint; and on such answer being filed, such proceedings shall be had as would or might have been had in case such answer had been filed before the passage of such interlocutory order or decree; but the court shall impose such terms on the defendant as the condition of permitting such answer to be filed, as such court may, in its discretion, under all the circumstances of the case, judge reasonable and proper for avoiding delay or expense, and for the attainment of justice; and the filing of such answer shall in no case affect the validity of any testimony previously taken.

This section in effect places a defendant in default in the same position as to his right to answer, whether there be merely an interlocutory decree with authority to proceed *ex parte*, or a decree *pro confesso* against him. A defendant may appeal notwithstanding a decree *pro confesso* against him.