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, and if such defendant appears and demurs or pleads, upon appeal, the action of the court on such demurrer and pleas will be reviewed. Turpin *v.* Derickson, 105 Md. 625. And as to the defendant's right of appeal, see Long *v.* Long, 9 Md. 355; Lippy *v.* Masonheimer, 9 Md. 315.

Where a decree *pro confesso* is entered fifteen days after the defendant's appearance, but testimony is taken more than two months after the entry of said decree and upon notice to the defendant, and such testimony remained in court the required time before a final decree was passed, such decree will not be reversed on account of the irregularity in entering the decree *pro confesso* before the expiration of twenty days from the appearance. Bailey *v.* Jones, 107 Md. 405.

Action in reference to the decree *pro confesso* and the answer, held irregular and not in accordance with this section—no harm done—errors waived. Wilmer *v.* Dunn, 133 Md. 356.

A decree *pro confesso* held not to deprive a defendant of the benefit of having his testimony considered before the final decree. Benson *v.* Ketchum, 14 Md. 331.

This section does not mean that a defendant may never be let in to answer *after decree.* Oliver *v.* Palmer, 11 G. & J. 149.

The last clause of this section applied. Brooke *v.* Perry, 2 Gill, 97.

Under the act of 1799, ch. 79, sec. 2, a defendant who had appeared and then failed to answer, was entitled to notice before a decree *pro confesso* was entered (see, however, notes to sec. 170). Wampler *v.* Wolfinger, 13 Md. 345.

This section referred to in deciding that a decree could be revised after enrollment only by a bill of review, save in exceptional cases. Thurston *v.* Devecman, 30 Md. 218.

For a case involving the length of time which testimony and an auditor's report must lie in court, where a defendant avails himself of the privileges conferred by this section, see Oliver *v.* Palmer, 11 G. & J. 441.

After interlocutory decree of interpleader, defendant, having previously failed to answer, has right to appear and answer at any time before final decree. Hopkins *v.* Easton Nat. Bank, 171 Md. 130.

This section construed in connection with sec. 172—see notes thereto. Belt *v.* Bowie, 65 Md. 353.

Cited but not construed in Wagner *v.* Shank, 59 Md. 327; Neale *v.* Hagthrop, 3 Bl. 573; Buckingham *v.* Peddicord, 2 Bl. 453; Fitzhugh *v.* McPherson, 9 G. & J. 74.

An. Code, 1924, sec. 168. 1912, sec. 153. 1904, sec. 144. 1888, sec. 131. Rule 5.

174. Every bill or petition shall be expressed in terms as brief and concise as it reasonably can be, and shall contain no unnecessary recitals of documents of any kind, in *haec verba,* or any impertinent matter, or matter scandalous and not relevant to the suit; and the same rule shall apply to all answers filed by defendants; and if this rule be violated, the unnecessary or improper matter or averment may, by order of Court, upon motion or upon its own initiative, be stricken out at the cost of the party introducing the same. The signature of a solicitor of record to any bill or other pleading shall be considered as a certificate of such solicitor that he has read the paper so signed by him, and that upon the information and instructions laid before him regarding the case there is good ground for the same and it is not filed for delay, or other improper purpose.[1]

See notes to sec. 176.

[1] Thus amended by equity rule 5, November 21, 1919, adopted by the court of appeals in accordance with sec. 18 of art. 4 of the Constitution.