

proceedings shall be had against them as are had against non-resident defendants named in a bill in chancery; and any decree which may be passed shall have the same effect against those described as the heirs of a particular person, as if the party whose heirs they are supposed to be were living and a party to such decree. The provisions of this section to apply to all cases, including bills of review, bills of interpleader, and supplemental bills.

**34.** Any non-resident, or person proceeded against as a non-resident, may appear and answer before final decree, on such reasonable terms as the court may prescribe.

**35.** In all suits in chancery against non-residents or against persons who may be proceeded against as if they were non-residents, the court may order notice to be given by publication in one or more newspapers, stating the substance and object of the bill or petition, and warning such party to appear, on or before the day fixed in such order, and show cause why the relief prayed should not be granted, and such notice shall be published as the court may direct, not less, however, than once a week, for four successive weeks, three months before the day fixed by such order for the appearance of the party; *provided*, if a copy of the order be personally served on such party one month before the day fixed for his appearance, if he be within the limits of the United States, or three months if beyond, such service shall have the same effect as a publication. Proof of said service must be as follows: 1 If served by the sheriff, his certificate thereof. 2. If by any other person, his affidavit or affirmation thereof. 3. The written admission of the defendant, proved to the satisfaction of the court, and such certificate, affidavit, affirmation, or admission, shall state the time and place of the service.

**36.** 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, or a commission *ex parte* may be issued, in the discretion of the court.

## ANSWER.

**37.** It shall not be necessary for any defendant to make oath to his answer, unless required by the complainant, nor shall any answer, whether sworn to or not, be evidence against the complainant at the hearing of the cause, unless the complainant shall read such answer as evidence against the defendant making the same; but this section shall not apply to motions to dissolve an injunction, or to discharge a receiver.

Id s 97  
1795, c 88, s 1,  
1820, c 161, s 3.  
Non-resident,  
etc. may appear  
and answer be-  
fore final decree  
31 Md 476

1868, c 435.  
Notice by pub-  
lication  
18 Md 306, 29  
Md 330, 30 Md.  
522, 31 Md 488,  
32 Md 210, 34  
Md 156, 165, 37  
Md 26, 477

Proviso.

Service of copy

Proof of service.

Art 16, s 112  
1799, c 79, s 5  
Proceeding  
where defend-  
ant after ap-  
pearance leaves  
the State with-  
out sufficient  
answer.

Art 16, s 103  
1852, c 133,  
1853, c 344  
When answer  
to be sworn to  
9 Md 486, 10  
Md 39, 104, 114,  
302, 15 Md 22,  
260, 16 Md 69,  
17 Md 412, 433,  
20 Md 165, 25  
Md 160, 27 Md.  
685

When evidence.  
To what mo-  
tions not to  
apply.