

## AMENDMENT.

Id s. 16  
1854, c 230  
Amendment  
before final de-  
cree upon pay-  
ment of costs  
6 Md 418, 10  
Md 36, 18  
107, 25 Md 395

**38.** Upon application of either complainant or defendant to any court of equity, he shall have the right, upon payment of such costs as the court may direct, to amend at any time, before final decree, the bill of complaint, answer, pleas, demurrers, or any of the proceedings in any cause before the court, so as to bring the merits of the case in controversy fairly to trial.

Id s 17  
1841, c 315  
Where parties  
under age, *feme  
coverts*, of un-  
sound mind, or  
non-resident

**39.** In any suit in chancery where any of the parties are under age, *feme coverts*, of unsound mind, or non-residents, the proceedings may be amended by making new parties or otherwise, and it shall not be necessary to have any new pleadings or proofs in such cases of amendment, unless the court shall deem such new pleadings and proofs necessary to promote the ends of justice, or unless such new party desires to plead or objects to the proof.

## INTERROGATORIES.

Id s. 106.  
1745, c 72, s 21.  
Interrogatories  
to complainant  
may be filed.

**40.** In all cases, the defendant in chancery may exhibit interrogatories to the complainant, which shall be answered by him, in writing, upon oath, and such answer shall be evidence in the cause, in the same manner and to the same effect that the defendant's answer to the complainant's bill is evidence, and there shall be the same process and the same power exercised by the court to compel the complainant to answer the defendant's interrogatories, as can be issued or lawfully exercised to compel the defendant to answer the plaintiff's bill, and if such plaintiff be a non-resident, and shall fail to answer such interrogatories by a certain day to be fixed by the court, the court may order that his bill be dismissed, with costs, to the defendant. The court, in fixing the period within which a plaintiff shall answer as aforesaid, shall give a reasonable time, regard being had to the place of plaintiff's residence, and, if justice require it, the court may extend the time.

How answer  
compelled.

Id s. 107.  
1785, c 72, ss 20,  
21, 1820, c 161  
Bill may be dis-  
missed, unless  
interrogatories  
answered.

**41.** If a complainant against whom an attachment has issued for not answering the interrogatories or the defendant, and such attachment is returned served, shall not put in a sufficient answer to such interrogatories by the fourth day of the term to which such attachment is made returnable, the court may dismiss his bill; or, the court may give such further time to answer as may seem reasonable.

## DEFENDANTS SUMMONED, BUT NOT APPEARING OR ANSWERING.

Art 16, s 115  
1785, c 72, s 20,  
1799, c 79, ss 5,  
9, 1818, c 193,  
1820, c 161, s 1  
When an inter-  
locutory decree  
may be entered  
and an *ex parte*  
commission  
issued  
27 Md 88, 674;

**42.** Whenever a subpoena shall issue from a court of equity on a bill filed in said court, and such subpoena hath been returned summoned as to any of the defendants therein named, and the defendants or any of them so returned summoned, shall fail to appear according to the exigency of the said writ, or, having so appeared, shall fail to put in a sufficient answer to the said bill within the time which may be prescribed by the court from which the said writ issued