

for answering such bill, the said court is authorized and required, on the application of the complainant, to enter an interlocutory decree in such cause, and to issue a commission *ex parte* to one or more persons for the taking of testimony to support the allegations in the said bill, which commission shall be issued, proceeded in, and returned in the same manner, and the testimony taken and returned under the same shall have the same effect as if issued and returned in the usual way, on answer, general replication, and issue, and the court shall proceed to a final decree in the cause in the same manner as if the defendant had appeared and put in his answer

43. Whenever any such bill as is mentioned in the preceding section 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 complainant 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 on a commission or admitted by answer.

44. In any case where a defendant has been returned summoned and shall fail to appear, an attachment may issue to compel the appearance, and if the attachment is served and the party fails to appear by the first day of the next term after the term to which such attachment was returnable, or if the attachment be returned *non est*, an attachment with proclamations may issue, and if the defendant shall not appear by the first day of the term next after that to which the attachment with proclamations was returnable, the court in either case may pass a decree *pro confesso*, or may order a commission *ex parte* to take evidence

45. If any defendant after appearance shall fail to answer within the time prescribed by the rules of court, an attachment may issue against such defendant to compel him to answer, and he may be committed as for a contempt for not answering, and if the attachment shall be returned served, and the defendant does not answer by the first day of the term next after that to which the attachment was returnable, or if the attachment be returned *non est*, an attachment with proclamations may issue, and if the defendant shall fail to answer by the first day of the term next after that to which the last-named attachment was returnable, the court in either case may pass a decree *pro confesso* against such defendant, or may order a commission *ex parte* to take testimony; any defendant under this or the preceding section may answer at any time before final decree, on such terms as the court may prescribe.

2 Bl 447, 11 G & J 426, 2 G. & J 311.

Id s 116
1820, c 161, s 2.
Cases in which
a decree *pro confesso* may be
passed.
11 G & J. 426,
2 Bl 447

Id s 120
1773, c 7, s 3,
1785, c 72, ss 19,
20, 1799, c 79, s
5, 1832, c 302,
s 3.
Attachment to
compel appear-
ance of defend-
ant
9 Md 469, 13
Md 337, 2 Bl
447, 3 Bl 551
Decree *pro confesso*
Commission
ex parte

Id s 121
1785, c 72, ss 19,
20, 1799, c 79, s.
2, 1832, c 302,
s 3
Attachment to
compel answer

Order