

Id s 122
1773, c 7, 1785,
c 72, 1799, c
79, 1818 c 198,
1820, c 161
Complainant
may elect
process

46. A complainant may take at his election any of the proceedings authorized by this article against a defendant who fails to appear or answer.

BILL OF DISCOVERY.

Art 16, s 119,
1820, c 161, s 2.
Bill of dis-
covery

47. In all cases where a bill for discovery merely is filed against a defendant of full age, and the subpœna issued thereon is returned summoned, and the defendant fails to answer within the time fixed by the rules or order of the court, upon satisfactory proof, by affidavit or otherwise, being produced to the court that such subpœna was duly served, the court may examine the complainant in open court, or upon interrogatories, on oath, touching the truth of the allegations in the bill, and if from such examination the court shall be satisfied *primâ facie* that the allegations in the bill are true, then a decree shall be passed which shall have the same effect, in evidence or otherwise, as the answer of the defendant confessing all the allegations of the bill could have; or if the subpœna shall be returned summoned, and the defendant shall fail to appear, or, after appearance, shall fail to answer, an attachment of contempt may issue, and if the said attachment is returned served, and the defendant fails to appear or answer as the case may be, the court, upon being satisfied of the service of both subpœna and attachment, may pass a decree *pro confesso*; or if in such case the attachment is returned *non est inventus*, an attachment with proclamations may issue; and if the defendant shall fail to appear or answer, as the case may be, the court upon being satisfied of the service of the subpœna, may pass a decree *pro confesso*, without examining the complainant, in its discretion, and such decree, in either case, shall have all the effect, in evidence or otherwise, that the answer of such defendant confessing all the allegations in the bill would have.

Proceedings on
defendant's fail-
ing to answer

Decree *pro
confesso*

DEFENDANT'S APPEARANCE AND ANSWER AFTER INTERLOCUTORY DECREE.

Art 16, s 117
1795, c 88, s 1,
1797, c 114, s 3,
1799, c 79, s 2,
1820, c 161, s 3
How defendant
may file his
answer before
final decree, and
proceedings
consequent
12 Md 144, 18
Md 220, 346, 19
Md 56, 96 Md
29, 11 G & J.
137.

48. Any defendant against whom an interlocutory decree shall be entered under the preceding sections, 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 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

Discretion of
court