

of such answer shall in no case affect the validity of any commission previously issued to take testimony, or of the proceedings, or any of them, under such commission, or of any testimony previously taken and returned under any such commission.

Commission to take testimony previously issued

INFANT OR INSANE DEFENDANTS.

49. No decree *pro confesso* shall be passed against an infant or insane defendant under the preceding sections 42 to 48 inclusive, but such infant or insane defendant shall be proceeded against according to the provisions of article LXVI of this Code, relating specially to infants and persons *non compos mentis*.

Art 16 s 124, 1785, c 72, 1790, c 60, 1816, 154, 1818, cs 133, 193, 1828, c 184, 1831, c 311, 1843, c 150. No decree *pro confesso* to pass against infants or insane defendants

BILL OF REVIEW, ETC., AS TO INFANTS AND PERSONS NON COMPOTES MENTIS.

50. Under any bill of review, or other proceedings to set aside or reverse any order or decree passed in any case in which any infant or person *non compos mentis* was interested, on the ground that no testimony was taken to prove the allegations in the bill or petition filed in such case, or that no replication was put in, it shall be lawful for the person interested to supply said proof and pleas, in the same manner as the same could have been furnished under such original bill or petition.

Art 16, s 113. 1841, c 250. When pleadings and proofs may be supplied on bill of review, etc. 26 Md 27, 27 Md 368.

BONDS IN NAME OF STATE.

51. When a court of equity shall require bond, with or without security, to be given in any case, and the parties concerned therein shall be numerous, or if it shall appear for other reasons proper, the court may take such bond in the name of the State as obligee, and the same may be sued on by any person interested as public bonds may, and a copy, certified by the clerk of the court, under the seal thereof, shall be received in evidence, to the same effect as certified copies of public bonds.

Art 16, s 108. 1835, c 330, s 7. How bonds may be given and sued where parties are numerous. 8 Md 295, 12 Md 177, 39 Md. 178

FINES AND COSTS.

52. Upon any plea or demurrer being overruled, upon argument or otherwise, or being withdrawn without leave of the court, the party whose demurrer or plea is so overruled or withdrawn shall pay to the opposite party the sum of ten dollars, and the costs thereof, and be in contempt until the said sum of money and costs are fully paid.

Art 16, s 102. 1785, c 72, s 25. Who to pay, when plea or demurrer overruled. 30 Md 29, 134, 42 Md 393, 426, 3 G & J 491, 2 Bl. 685

53. In deciding on exceptions to answers, the court may award the costs of the exception, and the order thereon, to the party prevailing, including a fee to the solicitor or attorney.

Id s 114. 1820, c 161, s 8. Costs, etc., on exceptions.

54. Payment of the allowances to commissioners, witnesses, auditors, and clerks to commissioners may be compelled by order of the court, and process of contempt for disobedience to such order may be issued as in other cases.

Id s 109. 1785, c 72, s 18. Costs, etc., of commissioners, witnesses, etc