

the return of such commission, unless the defendant shall have obtained leave to answer, and the court shall consider further time necessary.

under *ex parte*  
commission  
33 Md 18,  
12 G & J 88, 477

**70.** Where some of the defendants have answered, and some are in default for not appearing or answering, and the testimony has been taken under the commission issued in the cause, as may be done without issuing an *ex parte* commission, the case may be set down for final hearing at any time after the return of the commission, with the assent of the defendants who have answered, unless the defendants in default shall have obtained leave to answer, and the court shall consider further time necessary.

Id s 101  
1846, c 60, s 2.  
When some of  
defendants are  
in default  
7 G & J 275,  
2 Bl 26.

**71.** Whenever any cause is ready for hearing, and the parties, their solicitors, or guardians, shall sign an agreement and file it with the clerk, that the case be submitted for decision to the judge of the court where the suit is pending, such judge shall pass a decree, and such decree shall have the same effect as if passed at the regular term of the court.

Id s 64  
1840, c 109, s. 4  
Decree on sub-  
mission.

**72.** In all causes in the courts of equity it shall be the duty of the said court to file their opinions for or in respect of any final decree or decretal order, whenever such decree or order shall have passed upon argument, oral or in writing, on the part of any of the parties in such cause. This section shall not apply to the city of Baltimore.

Id s 110.  
1882, c 802, s 6,  
1874, c 312  
Opinions

Not to apply to  
Baltimore city.

#### EXECUTING, OR COMPELLING OBEDIENCE TO DECREE OR ORDER.

**73.** The court may, for the purpose of executing a decree, or to compel the defendant to perform and fulfil the same, issue attachment of contempt, attachment with proclamations and sequestration against the defendant, and may order an immediate sequestration of the real and personal estate and effects of the defendant, or such parts thereof as may be necessary to satisfy the decree and clear the contempts, or may issue a *fiery facras* against the lands and tenements, goods and chattels of the defendant, to satisfy the said decree; or may issue an attachment by way of execution against the lands, tenements, goods, chattels, and credits of the defendant, to satisfy the said decree; or the court may cause, by injunction, the possession of the estate, and effects whereof the possession or a sale is decreed, to be delivered to the plaintiff, or otherwise, according to the tenor and import of such decree, and as the nature of the case may require; and, in case of sequestration, the court shall order payment and satisfaction to be made out of the estate and effects so sequestrated, according to the true intent and meaning of the decree; and, in case any defendant shall be arrested and brought into court upon any process of contempt issued to compel the performance of any decree, the court may, upon motion, order such defendant to stand committed, or may order his estate and effects to be sequestrated, and payment made as above directed, or possession of his estate and effects to be delivered, by injunction as above

Art 16, s 118  
1773, c 7, s 3,  
1785, c 72, ss 19,  
20, 25, 26, 1818,  
c 193, s 4  
Execution of  
decree.  
8 Md 254, 25  
Md 101, 26 Md.  
412, 1 H & J  
370, 3 Bl 606.