

cases, by the issue of the like or other writs; but the court in which such case shall originally be, may order that the party directing vexatiously or unnecessarily any writ hereunder, shall pay the cost of the same.

1886, ch. 321.

171. An order or decree for the delivery of chattels may be enforced by the same writs, and all of them, as are used in the action of replevin at common law, as well as those which would have been heretofore used for its enforcement in the equity courts of this State.

P. G. L., (1860,) art. 16, sec. 119. 1820, ch 161, sec 2.

172. In all cases where a bill for discovery merely is filed against a defendant of full age, and the subpoena 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 subpoena was duly served, the court may examine the plaintiff 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 *prima 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 subpoena 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 subpoena 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 subpoena, may pass a decree *pro confesso*, without examining the plaintiff, 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.