

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*, of 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.

Ibid. sec 173. 1860, art. 16, sec. 120. 1773, ch. 7, sec. 3. 1785, ch. 72, secs. 19, 20. 1799, ch. 79, sec. 5. 1832, ch. 302, sec. 3.

**186.** 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 testimony to be taken *ex parte*.

West v. Briscoe, 6 H. & J. 462. Fitzhugh v. McPherson, 9 G. & J. 51. Grove v. Fresh, 9 G. & J. 280. Lockett v. White, 10 G. & J. 489. Crapster v. Griffith, 2 Bl. 1. Kipp v. Hanna, 2 Bl. 26. Binney's Case, 2 Bl. 99. Deakin's Case, 2 Bl. 398. Buckingham v. Peddicord, 2 Bl. 447. McKim v. Odom, 3 Bl. 415. Neale v. Hagthorpe, 3 Bl. 551. Cape Sable's Case, 3 Bl. 606. Long v. Long, 9 Md. 348. Kunkel v. Spooner, 9 Md. 469. Wampler v. Wolfinger, 13 Md. 337.