

## CHAP. 72.

Defendants appearing, shall file an answer, &c

20. AND BE IT ENACTED, That every defendant appearing at the return court of the *subpoena*, shall file a good and sufficient answer to the bill or petition exhibited against him, with the register in chancery, on or before the fourth day of the court next following the said return court; and if the defendant, (not having further time granted by the court to file an answer,) shall omit or neglect to file such answer accordingly, the defendant shall be in contempt, and the plaintiff shall and may, upon motion, have an attachment (g) of contempt against him, and if the defendant upon such attachment shall be returned *non est inventus*, the plaintiff shall be at liberty to obtain, upon motion, the usual process of attachment with proclamations to compel the defendant to answer, and if the defendant shall stand out the said process of attachment, and attachment with proclamations, and shall not file a good and sufficient answer by the return court of the last of the said process, the bill or petition filed, unless the defendant shall have further time granted him by the court to put in such answer, shall, upon motion, be taken *pro confesso* (h), and such decree made thereupon as by the court may be thought just, and if the said defendant shall have further time granted him to answer, and the said defendant shall not, before the expiration of such further time, put in a good and sufficient answer to the bill or petition exhibited against him, such bill or petition shall be taken *pro confesso*, without further delay, and such decree made thereon as by the court may be deemed just, or the chancellor may, in his discretion, in said cases, order commission to issue as aforesaid, or examine the plaintiff as aforesaid, and thereupon decree as he shall think just.

(g) By 1799, ch. 79, section 2, on failure of a defendant to appear, after such attachment is returned attached, the chancellor may, on application, limit a day in the following term for his appearance and answering, or otherwise may take the bill *pro confesso*, or direct a commission, &c. and proceed to a decree.

(h) By 1799, ch. 79, section 5, the chancellor is, in such cases, (in his discretion,) either to take the bill *pro confesso*, or direct a commission for taking depositions *ex parte*, &c.

And may exhibit interrogatories, &c

21. AND BE IT ENACTED, That in all cases the defendant in chancery may exhibit interrogatories to the plaintiff, which shall be answered by him in writing upon oath, and such answer shall be evidence in the cause, in the same manner, and to the same effect, that the defendant's answer to the plaintiff's bill is evidence, and there shall be the same process, and the same power exercised by the chancellor to compel the plaintiff to answer the defendant's interrogatories, as can be issued, or lawfully exercised, to compel the defendant to answer the plaintiff's bill.

Party in contempt to p. y a fine, &c.

22. AND BE IT ENACTED, That in order to enforce obedience to the process, rules and orders, of the chancery court, in all cases where any party or person shall be in contempt for disobedience, non-performance or non-observance, of any process, rule or order, of the chancellor or chancery court, or for any other matter or thing whatsoever, whereby or wherein a contempt, according to the rules, law, practice or course, of the said court, may be incurred, such party or person shall, for every such contempt, and before he shall be released or discharged from the same, pay to the register in chancery, (to be by him accounted for upon oath, and paid, at the end of every six months, to the treasurer of the western shore, to the use of the state,) a sum not exceeding ten pounds