

CHAP. 79

state, and a summons from the said court hath been or shall be served upon the said defendant, and the service hath been or shall be proved to the satisfaction of the chancellor, the chancellor is hereby authorised, by order, to limit a certain day, on or before which the said defendant shall appear in person, or by a solicitor, and put in a good and sufficient answer to each interrogatory contained in the bill, or plea or demurrer to the same, and if a copy of the said order shall be inserted agreeably to the chancellor's directions, in some convenient news-paper, or personally served on the defendant at least three months before such day limited, and the defendant shall not have so appeared and answered, the chancellor shall, at discretion, either take the bill *pro confesso*, or direct a commission to issue for taking depositions, and shall finally decree as to him shall seem consistent with the established principles of equity, in the same manner as if the defendant had appeared and answered, and depositions had been taken in the usual manner.

A day to be limited, &c.

2. **AND BE IT ENACTED**, That in any cause instituted, or hereafter to be instituted, in the court of chancery, if an attachment for want of appearance or answer shall have been or shall be duly returned served or attached, and the defendant served or attached shall not appear at the day of the return, the chancellor is hereby authorised, on application of the complainant or complainants, by order, to limit a certain day in the following term, on or before which day the defendant shall appear in person, or by a solicitor, and put in a good and sufficient answer to each interrogatory contained in the bill, or a plea or demurrer to the same, or otherwise the chancellor, on the application of the complainant, and at discretion, may either take the bill *pro confesso*, or direct a commission to issue for taking depositions, and shall finally decree as to him shall seem consistent with the established principles of equity, in the same manner as if the defendant had appeared and answered, and depositions had been taken in the usual way; provided nevertheless, that if at any time before a decree shall be passed, a defendant, nonresident or attached as aforesaid, shall appear as aforesaid, and immediately put in such answer, there shall be the same proceedings as if he had regularly appeared and answered.

In case of bill of revivor, chancellor to make order, &c.

3. **AND BE IT ENACTED**, That if, on the death of a complainant, any bill or revivor hath been or shall hereafter be filed in the court of chancery, and the defendant hath or shall have removed out of the state, the chancellor shall have full power to make such order, and direct such proceedings, as may appear to him best calculated to promote substantial justice; provided, that the said defendant's answer hath been or shall have been put in before the death of such complainant; and provided also, that the said defendant shall be alive at the time of such order or proceedings.

On bill filed against an infant to be the same proceedings, &c.

4. **AND BE IT ENACTED**, That if any bill in chancery hath been, or shall be filed, against an infant out of the state, there shall, at the chancellor's discretion, be the same proceedings, and the chancellor may decree, as if the infant were of full age; provided, that in all cases where a decree shall be passed against an infant out of the state, except those cases in which proceedings against infants out of the state are already provided for by law, there shall be liberty reserved for the said infant, within eighteen