

answer by the fourth day of the court next after the court at which he shall be committed, in either case, unless the defendant shall have further time granted by the court to put in such answer, the bill or petition shall be taken *pro confesso*, and such decree made thereupon as by the court may be thought just; and if in either of the cases aforesaid the 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 any further delay, and such decree made thereon as by the court may be deemed just; or the chancellor, in his discretion, may, in the cases aforesaid, order commission to issue for the plaintiff to examine witnesses to prove the allegations in his bill or petition, or the chancellor may examine the plaintiff on oath upon interrogatories, to ascertain the allegations in his bill or petition, and such decree shall be made in either case as the chancellor shall think just.

By 1795, ch. 88, on a bill being filed against a person not residing in the state, the chancellor may direct notice to be given, and thereupon may proceed to decree. A provision is also made for a rehearing. And by 1797, ch. 114, a publication may be ordered on a subpœna being returned *non est* from the county where the defendant is known or supposed to reside, and the chancellor being satisfied that he evades the sheriff, and thereupon the suit may proceed, reserving to such person the privilege of appearing, &c. within a limited time. By 1799, ch. 79, when a defendant living out of the state is summoned, the chancellor may limit a day for his appearance and answering, and on his failure, after a publication of the order, or its being served three months before the day limited, the chancellor may either take the bill *pro confesso*, or direct commission, &c. and proceed to decree as if the defendant had appeared; and by section 9, if such defendant shall appear by the time limited, or if any other defendant shall voluntarily appear, an answer shall be put in on or before the fourth day of the next term, or they shall be proceeded against as in other cases against residents and non-residents respectively. By section 3, provision is made respecting defendants out of the state, where the complainant died and a bill of revivor is filed.

Defendants
appearing,
shall file an
answer, &c.

SEC. 20. *And be it enacted*, That every defendant appearing at the return court of the subpœna, 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 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