

the defendant to answer, and if the defendant shall stand out the said process of attachment, and attachment of 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*, 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.

By 1799, ch. 79, sec. 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.

By 1799, ch. 79, sec. 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.

Where the party is summoned and fails to appear or to put in an answer, the court may pass an interlocutory decree and issue a commission *ex parte*, and answer may afterwards be filed under the restrictions imposed by the act of 1820, ch. 161, sec. 20.

By *idem*, where such bill shall allege any matter to be in the private knowledge of defendant and pray a discovery, the court may, on application of complainant, supported by affidavit, take the said bill as to that matter, *pro confesso*.

By 1836, ch. 128, sec. 2, in cases where a commission *ex parte* is directed to be issued, complainant may take his testimony under the commission in *chief*.

By 1836, ch. 128, sec. 1, in all cases in chancery, where the answer of an infant defendant is filed, admitting the facts stated in the bill, or making no defence to the claim of complainant, a commission may issue to such person, &c., as the court may direct, on the application of the complainant.

SEC. 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.

And may exhibit interrogatories, &c.