

that the said defendant shall be alive at the time of such order or proceedings.

SEC. 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 calendar months from the date of the decree, or within six such months after the said infant shall attain the age of twenty-one years, and likewise for any heir of the said infant, in case the said infant shall not so long live, within six months after the death of the said infant, or within six months after such heir shall attain such age, to shew cause wherefore the decree ought not to have been passed; and the bill to be filed by such infant or heir for shewing cause as aforesaid shall, as the case may require, either be filed against the original complainant or complainants, or any person or persons claiming or holding under him, her or them, and on such bill filed, the chancellor shall, at discretion, direct either the usual proceedings by subpœna, or such notice as he shall think proper, according to the nature of the case, of the bill and of its substance and object, and of a day by him limited, not less than four months after notice, for the defendant or defendants to file an answer to such bill of revision; and if an answer be not accordingly filed, the chancellor may proceed to a reconsideration or revision of the decree before passed, or he may direct depositions, or other proofs, ex parte, to be received as evidence in addition to the former proceedings; and in case of the defendant's appearing to such bill of revision, additional evidence and proceedings may be had, and the chancellor shall pass such decree for or against the original complainant or complainants, or his, her or their representative or representatives aforesaid, or person or persons having the benefit of the original decree, as the established principles of equity shall to him appear, under all the circumstances of the case, to require.

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

SEC. 5. *And*, whereas in certain cases, and particularly where a defendant hath been duly summoned, and has stood out of the process of the court, the chancellor is by law directed absolutely to take the bill pro confesso, and in other cases of non-appearance of the defendant, he may at discretion either take the bill pro confesso, or direct a commission for taking depositions: and whereas it appears unreasonable that in any case whatever the chancellor should be directed absolutely to take the bill or bare allegations of a suitor pro confesso, *Be it enacted*,

Bill may be taken pro confesso, &c.