

the said writ issued for answering to such bill, the said court shall be and hereby is authorized and required, on the application of the complainant or complainants, or any of them, in person or by solicitor, to enter an interlocutory decree in such cause, and to issue a commission or commissions, as the case may be, ex parte, to one or more persons, for the taking of testimony to support the allegations of the said bill, which commissions shall be issued, proceeded in and returned in the same manner, and the testimony taken and returned under them shall have the same effect, as if issued and returned in the usual way, on answer, general replication and issue, and the court shall proceed to a final decree in the cause, in the same manner as if the defendant or defendants had appeared and put in their answer.

When such bill shall charge any matter as being within the private knowledge of the defendant, &c. to be taken pro confesso, &c.

SEC. 2. *And be it enacted*, That whenever any such bill as is mentioned in the preceding section, shall charge any matter or thing as being within the private knowledge of the defendant or defendants, or any of them, and shall pray a discovery on oath as to such matter or thing, and an interlocutory decree as provided for in the said section shall have been entered, and the complainant or complainants, or any of them, shall satisfy the court, by affidavit to be taken in open court and filed in the cause, that such matter or thing does rest in the private knowledge of the defendant or defendants, or some of them, and that there is reasonable ground for believing prima facie that such matter or thing does exist, the said court shall be and hereby is authorized and required, to order the bill as to such matter or thing, the same being sufficiently alleged and charged, to be taken pro confesso, and to proceed to make a final decree in the case, in the same manner as if such matter or thing had been proved on a commission, or admitted by answer.

Defendant may file his answer on oath, &c.

SEC. 3. *Provided always, and be it enacted*, That any defendant against whom an interlocutory decree shall be entered under the provisions of this act, and also any defendant against whom an order to take a bill as to any matter or thing pro confesso, may appear at any time before final decree, and file his, her or their answer, on oath, to the bill, which shall be filed forthwith, or within such reasonable time as the court, in its discretion, and on special cause shewn by affidavit, shall order and appoint; and on such answer or answers being filed, such proceedings shall be had as would or might have been had in case such answer or answers had been filed before the passage of such interlocutory decree, but the court shall be and hereby is authorized and required, to impose such terms on the defendant or defendants, as the condition of permitting such answer or answers to be filed, as such court may in its discretion, under all the circumstances of the case, judge reasonable and proper for avoiding delay or expense, and for the attainment of justice;