

section; an infant by his guardian or *prochein ami*, and a non compos by his committee or trustee.

PRACTICE.

100. In case where the defendant has failed to appear, or to answer after appearance, and an ex-parte commission has issued, such cases may be set down for final hearing after thirty days from the return of such commission, unless the defendant shall have obtained leave to answer, and the court shall consider further time necessary.

101. Where some of the defendants have answered, and some are in default for not appearing or answering, and the testimony has been taken under the commission issued in the cause, as may be done without issuing an ex-parte commission, the case may be set down for final hearing at any time after the return of the commission, with the assent of the defendants who have answered, unless the defendants in default shall have obtained leave to answer, and the court shall consider further time necessary.

102. Upon any plea or demurrer being overruled, upon argument or otherwise, or being withdrawn without leave of the court, the party whose demurrer or plea is so overruled or withdrawn, shall pay to the opposite party the sum of ten dollars, and the costs thereof, and be in contempt until the said sum of money and costs are fully paid.

103. It shall not be necessary for any defendant to make oath to his answer unless required by the complainant, nor shall any answer, whether sworn to or not, be evidence against the complainant at the hearing of the cause, unless the complainant shall read such answer as evidence against the defendant making the same; but this section shall not apply to motions to dissolve an injunction or to discharge a receiver.

104. In order to enforce obedience to the process, rules and orders of the courts of equity, in all cases where any party or person shall be in contempt, for disobedience, non-performance or non-observance of any process, rule or order of the court, or for any other matter or thing whatsoever whereby or wherein a contempt, according to the rules, law, practice or course of the said courts may be incurred, such party or person shall, for every such contempt, and before he shall be released or discharged