

party or parties, as if such respondent or respondents respectively resided in the county in which such bill may have been filed. **CHAP. 163.**

4. **AND BE IT ENACTED,** That the said courts are hereby authorised and empowered to issue commissions, as well to take the answer or answers of any respondent or respondents, as also to take the deposition or depositions of any witness or witnesses, as well in the county wherein the bill of complaint may be filed, as also in any other county or counties wherein any respondent or witness may reside. Commissioners to take answers

5. **AND BE IT ENACTED,** That the several judges of the county courts of this state are hereby authorised and empowered, during the vacation of their respective courts, to grant injunctions, and also to direct any rule, order, or interlocutory decree, to be entered by the clerk, to bring any cause to a fair hearing, and such injunction, rule, order or decree, shall have the same force and effect, and may be enforced in the same manner, as if such rule, order or decree, had been entered during the regular terms of the said courts. To grant injunctions and direct rules, &c

6. **AND BE IT ENACTED,** That any person other than the plaintiffs, may serve a subpoena issuing from any of the county courts as courts of chancery, and upon proof made to the court by affidavit, of the service of the said subpoena, when the same has not been served by a sheriff, and upon the failure of the party to appear in obedience to such subpoena, or on his appearing and failing to obey any order or rule of the court, it shall and may be lawful for the court to issue an attachment against the party so failing, in the manner herein before directed, and to be served and returned by the sheriff, under the penalty herein before prescribed in cases of attachments. Persons, other than plaintiffs, may serve subpoenas

7. **AND BE IT ENACTED,** That when some of the defendants in any suit in equity, brought in any of the county courts of this state, reside out of the county in which such suit is brought, but within this state, that a subpoena or subpoenas may issue against such absent defendants, directed to the sheriff of the county in which such defendant shall reside, and it shall be the duty of such sheriff to serve and return such process according to the command thereof, and if the party summoned shall not appear, or appearing shall fail to comply with the order or rule of the court, process of attachment may issue against such party, directed to the sheriff of the county in which the said party shall reside, and it shall be the duty of the sheriff to execute, and in all things obey, the command contained in the said process; and upon the failure of the sheriff to return any such subpoena or attachment, or to produce the body of the party attached, on the return of the said attachment, the court from which such process issued may fine the said sheriff any sum not exceeding fifty dollars, and issue an execution therefor, together with the cost thereon, directed to the coroner of the county in which such sheriff resides, and returnable to the court of the last mentioned county court, and a short copy of the order of the court imposing such fine shall accompany the said execution, on which said order and execution such further proceedings may be had as are now authorised where a writ of *capius ad satisfaciendum* issues from one county to another. Defendants residing out of the county but in the state

See October 1777, ch. 12; 1795, ch. 23; 1815, ch. 149, and 1817, ch. 139.