

be employed in stating, auditing and settling, any account, to be paid by the party desiring such account to be stated, audited and settled, and taxed in the bill of costs as aforesaid. CHAP. 72.

18. AND BE IT ENACTED, That payment of the allowances to commissioners, witnesses, and the auditor aforesaid, may be compelled by order of the chancellor, and process of contempt for disobedience to such order may be issued as in other cases. Payment may be compelled &c.

19. AND BE IT ENACTED, That if any defendant, being of full age and regularly summoned to appear to any bill or petition in chancery, shall refuse or neglect to appear thereto at the return court, and thereupon shall stand out the process of attachment of contempt, and attachment with proclamations, and do not appear and put in a good and sufficient answer to the said bill or petition by the fourth day of the court to which the said attachment with proclamations is returnable, or being served after appearance with, and brought into court upon, any process of contempt, for not answering the bill or petition filed, the said defendant, so brought into court, shall and may, upon motion, stand committed by order of the court for the same until discharged by the further order thereof; and if the defendant in the case first mentioned shall not appear and answer as aforesaid, by the fourth day of the court to which the attachment with proclamations is returnable, or if the defendant so committed for not answering as aforesaid shall not put in a good and sufficient answer by the fourth day of the court next after the court at which he shall be committed, in either case, unless the defendant shall have further time granted by the court to put in such answer, the bill or petition shall be taken *pro confesso*, and such decree made thereupon as by the court may be thought just; and if in either of the cases aforesaid the 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 any further delay, and such decree made thereon as by the court may be deemed just; or the chancellor, in his discretion, may, in the cases aforesaid, order commission to issue for the plaintiff to examine witnesses to prove the allegations in his bill or petition, or the chancellor may examine the plaintiff on oath upon interrogatories, to ascertain the allegations in his bill or petition, and such decree shall be made in either case as the chancellor shall think just. Defendants refusing &c. shall stand committed &c.

By 1795, ch. 88, on a bill being filed against a person not residing in the state, the chancellor may direct notice to be given, and thereupon may proceed to decree. A provision is also made for a rehearing. And by 1797, ch. 114, a publication may be ordered on a *subpoena* being returned *non est* from the county where the defendant is known or supposed to reside, and the chancellor being satisfied that he evades the sheriff, and thereupon the suit may proceed, reserving to such person the privilege of appearing, &c. within a limited time. By 1799, ch. 79, when a defendant living out of the state is summoned, the chancellor may limit a day for his appearance and answering, and on his failure, after a publication of the order, or its being served three months before the day limited, the chancellor may either take the bill *pro confesso*, or direct commission, &c. and proceed to decree as if the defendant had appeared; and by section 9, if such defendant shall appear by the time limited, or if any other defendant shall voluntarily appear, an answer shall be put in on or before the fourth day of the next term, or they shall be proceeded against as in other cases against residents and non-residents respectively. By section 3, provision is made respecting defendants out of the state, where the complainant died and a bill of revivor is filed.