

fesso; or the defendant being, after appearance, brought into Court for not answering, may on motion, stand committed until discharged by further order; *Man v. Parkinson*, 9 *Mod.* 266; and if he does not put in a good and sufficient answer by the fourth day of the next Court, the bill may be taken *pro confesso*. And if the defendant shall have further time granted him to answer, and he shall not put in a good and sufficient answer before the expiration of the time, the bill shall be taken *pro confesso*, without any further delay; and in all such cases, such decree may be made thereon as may be deemed just; or the Chancellor may order a commission for the plaintiff to examine witnesses, or may examine the plaintiff on interrogatories, to ascertain the allegations of his bill, and may decree as he shall think just. 1785, ch. 72, s. 19. That every defendant appearing at the return Court of the subpœna, shall file a good and sufficient answer on or before the fourth day of the Court, next following the return Court; and if, not having further time granted to answer, he shall omit to do so, he shall be in contempt, and the plaintiff may have an attachment of contempt; and on that being returned *non est*, may have an attachment with proclamation against him; and if he shall not file a good and sufficient answer by the return Court, of the last mentioned process, the bill, unless farther time has been granted him to answer, shall be taken *pro confesso*; and such decree made, as may be thought just; and if such a defendant shall have further time granted him to answer, and he shall not, before the expiration of such time, put in a good and sufficient answer, the bill shall be taken *pro confesso*, without further delay, and such decree made * thereon as may be deemed just; or

453 the Chancellor may order a commission to issue, or examine the plaintiff on interrogatories, and thereupon decree as he may think just. 1785, ch. 72, s. 20; 1 *Harri. Pra. Cha.* 278; 1 *Newcl. Pra. Cha.* 125. That if an attachment for want of appearance or answer, shall be returned served or attached, and the defendant shall not appear at the day of the return, the Chancellor may by order, limit a certain day in the following term, on or before which the defendant shall appear, and put in a good and sufficient answer, plea, or demurrer, otherwise the bill may be taken *pro confesso*, and a decree thereon; provided, that if such defendant shall, before a decree, appear, and immediately put in such answer, there shall be the same proceedings as if he had regularly appeared and answered. 1799, ch. 79, s. 2.

And further, that in case a subpœna shall be returned *non est* by the sheriff of the county where the defendant shall be known, or generally supposed to reside; and on affidavit of some indifferent person, of the said known or supposed residence, and of the defendant's having avoided, or kept out of the way of the sheriff, or evaded the service of the subpœna, *Davis vs. Davis*, 2 *Atk.* 22; 1828, ch. 184, the Chancellor may, on motion, direct publication