

to be given in some newspaper, convenient to the known or supposed residence of the defendant, at least three weeks successively, of the filing, subject and object of the bill, and of the day fixed, not less than four months subsequent to the publication, for the defendant's appearance; and on his failing to appear, to proceed as against a non-resident; provided, that if such defendant shall appear, at any time before a decree, and shall, on or before the fourth day of the subsequent term, put in a good and sufficient answer, or a good plea or demurrer, the proceedings thereafter, shall be the same as if he had appeared to the summons; and if, within nine months after a decree, such defendant shall appear, file a petition, praying to set aside the decree; and likewise, answer, plead or demur, the Chancellor shall annul the decree as to such defendant, and there shall be the same proceedings, as if he had appeared to the summons. 1797, ch. 114, s. 2, 3; 1773, ch. 7, s. 3, 4; 1832, ch. 302, s. 3. And that where a subpoena has been returned summoned, and the defendant neglects to appear, or appearing, fails to put in a good and sufficient answer within the time prescribed by the rules of the Court, an interlocutory decree may be entered, and a commission issued *ex parte*\* for the taking of testimony in support of the allegations of the **454** bill; upon the return of which, the Court may proceed to a final decree. But that, when the bill shall charge any matter as being within the private knowledge of the defendant, and the plaintiff shall satisfy the Court, by affidavit in open Court, that such matter does rest in the private knowledge of the defendant, the bill as to such matter may be taken *pro confesso*, and a final decree made, as if such matter had been proved or admitted. 1820. ch. 161, s. 1, 2.

But there being a great variety of instances in which it was important that some means should be given for obtaining relief in equity against persons who were competent to answer, *Carew v. Johnson*, 2 Scho. & Lefr. 292; *Knight v. Young*, 2 Ves. & B. 185, but were not within the jurisdiction of the State, all such cases have been provided for by several general, and apparently comprehensive legislative enactments; *Smith v. The Hibernian Mine Company*, 1 Scho. & Lefr. 238; which appear to have virtually modified, or repealed several then existing provisions in relation to the same matter; 1773, ch. 7, s. 3, 4; 1785, ch. 72, s. 30, 31; 1787, ch. 30, s. 2; and to have more particularly specified what should be deemed sufficient notice as spoken of in some other laws. 1791, ch. 79; 1792, ch. 41; 1794, ch. 60.

It has been declared, that, in all cases whatever, where a bill shall be filed against a person not residing within the State, the Chancellor may direct such notice of the bill, and the object thereof by advertisement in newspapers, or otherwise, warning the defendant to appear on or before some day to be fixed, not less