

than four months from the time of the first advertisement, to shew cause why a decree should not be passed as prayed; and, in case, the defendant shall not appear, the bill shall be taken *pro confesso*, or a commission shall, on application of the plaintiff, be issued to take depositions on his part; and on the return thereof, the Chancellor may proceed to decree according to the facts proved; provided, that if the defendant shall appear before the decree, there shall be the same proceedings as if he had appeared on the return of a subpoena; and provided also, that if any person against whom a decree shall be made shall appear within eighteen months after the date of the decree, and require a review of it upon bill filed, the Chancellor shall proceed to an examination of the matters in dispute, and decree as if such person had originally appeared. 1795, ch. 88, s. 1; 1820, ch. 161, s. 4, 5; 1831, ch. 311, s. 13; 1832, ch. 302, s. 3; *Knight vs. Young*, 2 Ves. & B. 185. \*But, where the

**455** proceeding is against the heir at common law, with publication against the other heirs under the Act to Direct Descents, such appointed day must not be less than four months subsequent to the publication; 1797, ch. 114; 1831, ch. 311, s. 10; and as against a non-resident defendant to a bill of interpleader, the day appointed for his appearance, must be not less than six months from the time of the publication of the order. 1826, ch. 199.

And it has been further declared, that if a bill be filed against any person, to compel a specific performance of a contract, who is not a resident of the State, or to be found therein, and it cannot be ascertained whether he be living or not; or if dead, whether he left any legal representatives, or who they are, the Chancellor may, without the appearance of the absent party, either take the bill *pro confesso*, or issue a commission for taking depositions *ex parte*, and on taking the bill *pro confesso*, or the return of the commission, decree as justice and equity may require: Provided, that the plaintiff shall give at least six months' notice of his application, in such newspaper as the Chancellor shall direct; and provided, that if the defendant shall appear at any time, not exceeding eighteen calendar months after such decree, and request a review of it upon bill filed, the Chancellor shall proceed to an examination of the matter, and to a final decree in the same manner as if such defendant had originally appeared; and provided also, that such defendant may, at any time before a decree, appear and be admitted to defend on filing a good and sufficient answer, plea, or demurrer. 1804, ch. 107; 1787, ch. 30; 1792, ch. 41; 1795, ch. 88, s. 1. That in case a defendant resides out of the State, and a summons has been served upon him, *Scott vs. Hough*, 4 Bro. C. C. 213, the Chancellor may, by order, limit a day on or before which he shall appear, and put in a good and sufficient answer, plea, or demurrer; and if a copy of the said order be served upon him, or inserted in some convenient newspaper at least three months