

before such day, and he shall not appear and answer, the bill may be taken *pro confesso*, and a decree passed accordingly; 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. 1, 2. And that if, on the death of a plaintiff, a bill of revivor shall be filed and the defendant shall have removed out of the *State, the Chancellor may direct such proceedings as may be best **456** calculated to promote substantial justice; provided, that the defendant be then alive, and his answer shall have been put in before the death of such plaintiff. 1799, ch. 79, s. 3.

But as all these modes of proceeding against absent defendants by publication related only to adults, or to persons competent to refuse to answer on being so warned, *Carew vs. Johnston*, 2 Scho. & Lefr. 292, it was necessary to provide for cases in which infants were defendants; and therefore, as regards infants it was declared, that if a bill shall be filed against an infant out of the State, there shall be the same proceedings, and the Chancellor may decree as if the infant were of full age; provided, that in all cases, where a decree shall be passed against an infant out of the State; except in those cases in which proceedings against infants out of the State are already provided for by law, 1789, ch. 46; 1790, ch. 38; 1797, ch. 114, s. 5; 1832, ch. 302, s. 9, there shall be liberty reserved for the infant, within eighteen calendar months from the date of the decree; or within six such months after the infant shall attain the age of twenty-one years, to shew cause wherefore the decree ought not to have been passed; and the bill filed for shewing cause shall be against the original plaintiff, or those claiming under him, on which the Chancellor shall direct proceedings by subpoena, or such notice as he shall think proper of the substance and object of the bill, by a day limited, not less than four months after notice, for the defendant to file an answer to such bill of revision, which if not filed, the Chancellor may proceed to a revision of the decree before passed, or direct proofs *ex parte* to be received as evidence in addition to the former proceedings; and in case of the defendant's appearing to such bill of revision, additional evidence and proceedings may be had, and the Chancellor shall pass such decree as circumstances and the equity of the case may require. 1799, ch. 79, s. 4.

All these newly prescribed modes of proceeding, by publication against adult and infant defendants applied, however, to none other than original and regular proceedings in equity, and therefore, in relation to all interlocutory petitions in Chancery, as well as to petitions of all other kinds addressed to it, or to any other of the Courts of justice, it has been declared, that in all cases of petitions, instituted in any of the Courts of this State, to which a non-resident may be a party, such Court, upon being satisfied of