

complaint may, at his election, have process of subpoena against the [] thereto, or an order directing such notice of said bill, and of its object, to be given to the said defendant, by advertisement in newspapers or otherwise, as to said court shall appear proper, warning the said defendant to appear in said court, in person or by solicitor, on or before some day to be fixed by said order, to shew cause why a decree should not be passed as prayed by the bill; and on the return of a subpoena, summoned or upon non est, returned to two successive writs of subpoena, regularly issued, or upon proof of notice being given as aforesaid; and upon failure of the defendant to appear and answer the said suit, within the time limited for that purpose, the said court may order and direct the said suit to be revived, and such other proceedings may be thereon had, as if the said defendant had answered without admitting; *provided however*, that said defendant shall be and hereby is authorised, at any time before final decree or other final disposition of the controversy, to appear in said court and file such answer or institute such other proceedings as he might have done on his appearance regularly to said bill.

CHAP. 22.

Notice to be given

On return of subpoena

Suit may be revived, &c

Provido

SEC. 4. *And be it enacted*, That in all cases whatsoever, where a bill shall be filed in the court of chancery, against any person or persons, and wherein said court hath the power to order publication against the said defendant or defendants, the court of chancery shall have full power and authority to direct such notice of said bill, and of the object thereof, by advertisement, in newspapers, or otherwise, as to said court shall appear proper, warning the said defendant or defendants to appear in said court, in person or by solicitor, on or before some day to be fixed by said order, to show cause why a decree should not be passed as prayed as by the [] *provided however*, that the day to be fixed as aforesaid, for showing cause against the said decree, shall not be less than three months distant from the time limited by said order for giving such notice.

Where bills shall be filed court to give notice of the object

Provido

SEC. 5. *And be it enacted*, That in all cases where a bill hath been filed in the court of chancery, against any person or persons, and the court of chancery hath passed an order of publication against any such defendant, under the provisions of an Act of Assembly, in such case made and provided, the same order of publication shall be valid and operative, although it may not pursue the precise directions of the said Acts of Assembly; *provided*, that the day limited for the appearance of the said defendant, by said

Order of publication declared valid