

**CHAP. 229.** bill 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, and thereby admitted the allegations in the said bill of revivor or supplement; *provided however*; that the said defendant shall be and hereby is authorized 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.

Notice of one month to be given.

Provisoes.

Order valid and operative.

Proviso.

One commissioner can execute commission.

County courts as courts of equity to have same powers.

**SEC. 4.** *And be it enacted*, That in all suits in the Court of Chancery wherein the said court hath power to order notice to be given to a defendant or party by publication, it may order such notice to be given by publication in a newspaper or otherwise, from time to time during not less than one month after the date of such order as to the said court shall appear proper, warning the said party to appear in person or by solicitor, on or before the day to be fixed in said order, to show cause why the relief should not be granted as prayed; *provided*, that the day to be fixed as aforesaid for the party to appear shall not be less than three months after the expiration of the whole time so as aforesaid specified for giving notice to such party; *and provided moreover*, that on its being shown to the court by affidavit that a copy of such order of publication has been personally served on such defendant or party, at least three months before the day fixed for his appearance, it shall not be necessary to make publication of the said order as aforesaid.

**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 hath passed or shall pass 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 shall be valid and operative, although it may not pursue the precise directions of the said act of assembly; *provided*, that the day fixed for the appearance of the said defendant by said order to show cause against the relief prayed shall not be less than three months after the expiration of the whole time therein specified for giving notice to such party.

**SEC. 6.** *And be it enacted*, That in all cases where a commission has issued or shall issue to the commissioners of the Court of Chancery or of the several county Courts as Courts of equity, it shall be lawful for any one of said commissioners to execute the same.

**SEC. 7.** *And be it enacted*, That the several county Courts as Courts of equity, shall have and exercise the powers which are by this act conferred on the Courts of Chancery.