

C H A P.
LXXII.

the same proof being properly certified, and the defendant fails to appear and answer to such bill within nine months after such notice proved and certified as aforesaid, or such longer time as the chancellor shall grant, such bill shall be taken *pro confesso*; and thereupon such proceeding and decree shall be had and made as the chancellor shall judge proper; and if the defendant be an infant, idiot, lunatic, or *non compos mentis*, the chancellor shall have full power and authority to proceed as by this act is directed in the case of residents of this state.

Bill being filed,
&c. may be
taken *pro con-*
fesso, &c.

XXXI. AND BE IT ENACTED, That if any person shall file a bill against any defendant or defendants residing within this state, in which it shall be proper and necessary to join other defendant or defendants residing out of this state, whether in the United States or any other country, upon notice given and proved as aforesaid, and upon failure to appear and answer as aforesaid, the bill shall be taken *pro confesso* against the defendant or defendants failing to appear and answer, and decree shall be given as aforesaid.

Chancellor may
appoint a mes-
senger, &c.

XXXII. AND BE IT ENACTED, That the chancellor shall and may nominate and appoint a messenger to attend the chancery court, and to serve, execute and carry into effect, such process, orders and decrees thereof, as the chancellor may direct, and the parties require to be directed or delivered to such messenger, to be by him served, executed or carried into effect; and the said messenger so nominated and appointed is hereby, upon his being qualified according to law, and taking an oath well and truly to observe, perform and fulfil the office of messenger to the chancery court according to law, and the best of his understanding, fully authorized, empowered and commanded, to serve, execute, obey and carry into effect, all and every the process, orders and decrees, of the chancery court, of every nature and kind, and in every and any part of the state which may be, by the order of the chancellor, and the request of the parties, directed or delivered to the said messenger, to be by him served, executed or carried into effect, and to make true and faithful returns of such process and orders, according to the tenor and import of the same, hereby giving also to the said messenger full power and authority to summon and call in aid, if need be, the power of the county, for the purpose of serving, executing, obeying and carrying into effect, the process and orders of the said court; and the chancellor may at any time discharge the said messenger from his office aforesaid, or upon his death, or refusal to act, another in his stead nominate and appoint, who shall have the same power, and authority; and the chancellor may nominate and appoint, at the request of the parties, a special messenger for the purpose of serving, executing and carrying into effect, any particular process, order or decree of the said court; and the said special messenger, upon being qualified according to law, shall have the same power and authority, and be entitled to the same fees, as hereby are given to the standing messenger herein first mentioned; and the said messenger shall have and receive of and from the party or parties against whom such process, orders or decrees, shall be made and issued, as a fee for the performance of his duty therein, the sum of ten shillings current money for serving any process, order or decree, and a sum, in the discretion of the chancellor, not exceeding one shilling per mile for every mile he shall travel in going to serve such process, order or decree, and returning, and also any money by him paid for ferrriages; and if the said fee shall not be paid upon demand, the said messenger shall have an attachment of contempt to compel the payment thereof, against the person or persons refusing to pay the said fees, who, being brought into court upon an attachment, shall and may be committed until the same and the costs are paid to the said messenger, and also the fine for contempt; or *feri facias*, or *capias ad satisfaciendum*, may issue as aforesaid for such fees.

May commit
persons in con-
tempt, &c.

XXXIII. AND BE IT ENACTED, That the chancellor shall have full power and authority to commit any person or persons in contempt for not obeying or complying with any rule, order or decree, of the chancellor, to the custody of the messenger, by him to be closely confined in the gaol of Anne-Arundel county, or in the gaol of the county of which such person shall be an inhabitant, or where he may be taken, unless he be the sheriff of the county, in which case he may be confined in the gaol of Anne-Arundel county, or the gaol of any county adjoining the county of which he shall be sheriff, until such person or persons respectively be released and discharged by order of the chancellor.

And make any
order, &c.

XXXIV. AND BE IT ENACTED, That in all cases now depending in the high court of chancery, as well as in those which may hereafter be brought into the said court, the chancellor may make and execute any order or decree in pursuance of the power and authority herein and hereby conferred; provided nothing herein contained shall be taken or construed to deprive any person of the liberty of appeal from any decree made by the chancellor in the premises.

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