

XVIII. And be it enacted, That the chancellor shall have full power and authority to appoint, during his pleasure, a person of integrity, judgment and skill, in accounts, to be auditor for the chancery court, who shall, before he enters upon the duties of his appointment, take an oath, to be administered by the chancellor, well and faithfully to execute the duties of his office, without favour, affection, partiality or prejudice, and all accounts directed to be stated, audited or settled, by order of the chancellor, shall be referred for such purpose to the auditor, who shall have power and authority to administer an oath to all witnesses and persons proper to be examined upon such account, and shall audit, state and settle, such accounts, agreeably to the order of the chancellor, and shall return the same to the chancellor to be done with as the chancellor shall think just; and the said auditor shall be allowed thirty-five shillings current money per day for every day he shall reasonably be employed in stating, auditing and settling, any account, to be paid by the party desiring such account to be stated, audited and settled, and taxed in the bill of costs as aforesaid.

CHAP.
LXXII.
Chancellor
may appoint
an auditor,
&c.

XIX. And be it enacted, That payment of the allowances to commissioners, witnesses, and the auditor aforesaid, may be compelled by order of the chancellor, and process of contempt for disobedience to such order may be issued as in other cases.

Payment may
be compelled,
&c.

XX. And be it enacted, That if any defendant, being of full age and regularly summoned to appear to any bill or petition in chancery, shall refuse or neglect to appear thereto at the return court, and thereupon shall stand out the process of attachment of contempt, and attachment with proclamations, and do not appear and put in a good and sufficient answer to the said bill or petition by the fourth day of the court to which the said attachment with proclamations is returnable, or being served after appearance with, and brought into court upon, any process of contempt, for not answering the bill or petition filed, the said defendant, so brought into court, shall and may, upon motion, stand committed by order of the court for the same, until discharged by the further order thereof; and if the defendant in the case first mentioned, shall not appear and answer as aforesaid, by the fourth day of the court to which the attachment with proclamations is returnable, or if the defendant so committed for not answering as aforesaid, shall not put in a good and sufficient answer by the fourth day of the court next after the court at which he shall be committed, in either case, unless the defendant shall have further time granted by the court to put in such answer, the bill or petition shall be taken pro confesso, and such decree made thereupon as by the court may be thought just; and if in either of the cases aforesaid, the defendant shall have further time granted him to answer, and the said defendant shall not, before the expiration of such further time, put in a good and sufficient answer to the bill or petition exhibited against him, such bill or petition shall be taken pro confesso without further delay, and such decree made thereon as by the court may be deemed just; or the chancellor, in his discretion, may, in the cases aforesaid, order commission to issue for the plaintiff to examine witnesses to prove the allegations in his bill or petition, or the chancellor may examine the plaintiff on oath upon interrogatories, to ascertain the allegations in his bill or petition, and such decree shall be made in either case as the chancellor shall think just.

Defendants
refusing to ap-
pear, &c.
shall stand
committed,
&c.

XXI. And be it enacted, That every defendant appearing at the return court of the subpoena, shall file a good and sufficient answer to the bill or petition exhibited against him, with the register in chancery, on or before the fourth day of the court next following the said return court; and if the defendant (not having further time granted by the court to file an answer,)

Defendants
appearing,
shall file an an-
swer, &c.