

turned served or attached, and the defendant served or attached shall not appear at the day of the return, the chancellor is hereby authorized, on application of the complainant or complainants, by order, to limit a certain day in the following term, on or before which day the defendant shall appear in person, or by a solicitor, and put in a good and sufficient answer to each interrogatory contained in the bill, or a plea or demurrer to the same, or otherwise the chancellor, on the application of the complainant, and at discretion, may either take the bill *pro confesso*, or direct a commission to issue for taking depositions, and shall finally decree as to him shall seem consistent with the established principles of equity, in the same manner as if the defendant had appeared and answered, and depositions had been taken in the usual way; provided nevertheless, that if at any time before a decree shall be passed, a defendant, nonresident or attached as aforesaid, shall appear as aforesaid, and immediately put in such answer, there shall be the same proceedings as if he had regularly appeared and answered.

III. AND BE IT ENACTED, That if, on the death of a complainant, any bill of revivor hath been or shall hereafter be filed in the court of chancery, and the defendant hath or shall have removed out of the state, the chancellor shall have full power to make such order, and direct such proceedings, as may appear to him best calculated to promote substantial justice; provided, that the said defendant's answer hath been or shall have been put in before the death of such complainant; and provided also, that the said defendant shall be alive at the time of such order or proceedings.

In case of bill of revivor, chancellor to direct, &c.

IV. AND BE IT ENACTED, That if any bill in chancery hath been, or shall be filed, against an infant out of the state, there shall, at the chancellor's discretion, 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 those cases in which proceedings against infants out of the state are already provided for by law, there shall be liberty reserved for the said infant, within eighteen calendar months from the date of the decree, or within six such months after the said infant shall attain the age of twenty-one years, and likewise for any heir of the said infant, in case the said infant shall not so long live, within six months after the death of the said infant, or within six months after such heir shall attain such age, to shew cause wherefore the decree ought not to have been passed; and the bill to be filed by such infant or heir for shewing cause as aforesaid shall, as the case may require, either be filed against the original complainant or complainants, or any person or persons claiming or holding under him, her or them, and on such bill filed, the chancellor shall, at discretion, direct either the usual proceedings by subpoena, or such notice as he shall think proper, according to the nature of the case, of the bill and of its substance and object, and of a day by him limited, not less than four months after notice, for the defendant or defendants to file an answer to such bill of revision; and if an answer be not accordingly filed, the chancellor may proceed to a reconsideration or revision of the decree before passed, or he may direct depositions, or other 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 for or against the original complainant or complainants, or his, her or their representative or representatives aforesaid, or person or persons having the benefit of the original decree, as the established principles of equity shall to him appear, under all the circumstances of the case, to require.

On bill filed against an infant, to be the same proceedings, &c.

V. AND, whereas in certain cases, and particularly where a defendant hath been duly summoned, and stood out the process of the court, the chancellor is by law directed absolutely to take the bill *pro confesso*, and in other cases of non-appearance of the defendant, he may at discretion either take the bill *pro confesso*, or direct a commission for taking depositions: And whereas it appears unreasonable that in any case whatever the chancellor should be directed absolutely to take the bill or bare allegations of a suitor *pro confesso*, BE IT ENACTED, That in all cases whatever, where the chancellor is authorized to decree without the appearance of the defendant or defendants, it shall be at the discretion of the chancellor, either to take the bill *pro confesso*, or direct a commission for taking depositions *ex parte*, as by law is directed in certain cases where the defendants are nonresidents.

Bill may be taken *pro confesso*, &c.

VI. AND BE IT ENACTED, That hereafter, with the consent of the party or parties in court, and with the approbation of the chancellor, a commission for any purpose whatever, which may lawfully issue from the chancery court in any cause there depending, or hereafter to be instituted, may be directed to one person only, or to three persons, with power to any two, and the person or persons to whom it shall be directed shall have the same authority as has heretofore been reposed in any greater number.

A commission may issue to one person, &c.