

such defendant resides, after such bill is filed, for twelve weeks successively, and making proof before some judge or justice of the general or supreme court of such state that such notice has been given personally, or by advertisement as aforesaid, and 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.

See 1818, ch. 133, as to notices.

Bill being
filed, &c.
may be
taken pro
confesso,
&c.

SEC. 31. *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 messenger,
&c.

SEC. 32. *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