

answerable for any part thereof, unless the chancellor shall be of the opinion that the necessity of bringing such suit hath not been owing to the fault or negligence of the said complainant or complainants, and in case the chancellor shall be of such opinion, he shall have power to decree with respect to costs as to him justice shall seem to require; provided, that in no case shall the state be liable to costs in which it is not at present liable.

SEC. 9. *And be it enacted*, That in case any defendant shall hereafter appear in the court of chancery, either in person or by a solicitor, agreeably to an order limiting a day for such appearance, or shall voluntarily so appear to a bill filed in chancery, he shall put in a good and sufficient answer to each interrogatory contained in the bill, or a plea or a demurrer to the same, on or before the fourth day of the term succeeding such appearance, he shall otherwise be liable to be proceeded against, if a resident of the state, as if he had been duly summoned and appeared as in ordinary cases, and if he be a non-resident, either the bill shall be taken pro confesso, or, at the discretion of the chancellor, a commission shall issue for taking depositions ex parte, and the chancellor may thereon proceed to decree.

Defendant  
appearing  
to answer,  
&c.

SEC. 10. *And*, whereas it sometimes happens, that an injunction from the court of chancery prevents the sheriff from proceeding to sell after he hath taken in execution property of a perishable nature, and doubts are entertained respecting the power, duty and liability of the sheriff, and whatever the law may be, great inconveniencies must arise to one of the parties, or to the sheriff, whether injunction be afterwards dissolved or decreed to be perpetual, *Be it enacted*, That in case any injunction from the court of chancery shall hereafter issue to prevent a sheriff or other officer from selling personal property taken in execution, immediately on the service of such injunction on the sheriff, or other officer, he shall deliver back the property so taken in execution to the party from whom it was taken, and shall not be answerable to the plaintiff or plaintiffs at law on account of the same; and in all cases where personal property hath been taken in execution, and the sheriff or other officer hath been prevented, by injunction from the chancery court, from selling the same, the sheriff or other officer may deliver the same, if in his possession, to the party from whom it was taken, and shall not be answerable for the same to the plaintiff or plaintiffs at law; and in every case of injunction heretofore issued, if the sheriff or other officer hath taken any personal property out of the possession of the defendant at law who hath obtained the injunction, the said sheriff, or other officer, shall be

Property  
taken, to be  
delivered  
back, &c.