

resident infant to sell, lease, mortgage or exchange the real or personal property of such infant; and in such cases, two or more commissioners, who reside near such infant, shall be appointed, with power to any one to act, who shall go to said infant and assign a guardian ad litem for such infant, and take his answer by such guardian and return the same, and after the return of such answer, the same proceedings shall be had as if such infant were a resident of this State; and with this further exception, that where non-resident defendants are non compos mentis, they are to be proceeded against as directed by the following section.

90. In all cases in chancery, if any person non compos mentis and not residing in this State is a defendant, the court may order notice to be given to such non-resident, by publication in some newspaper, to appear and answer such bill or petition, and upon the failure of such non-resident to appear and answer the bill or petition, such decree may be passed as the circumstances of the case may require; *Provided*, no decree shall pass unless the allegations in the bill or petition are fully proved, under a commission to be issued for that purpose; the court, at the time of issuing the commission to take testimony, shall assign a solicitor for such non-resident defendant or defendants to cross-examine the witnesses, which solicitor shall be paid by the plaintiff, or out of the estate of the defendant, at the discretion of the court.

91. Where a decree has passed for the specific execution of any contract or agreement for the sale or conveyance of real or personal estate, or any interest therein against a non-resident defendant, without his having answered, such non-resident may file a bill of review at any time within twelve months after the date of the decree; and if such non-resident be an infant, he may file a bill of review at any time within twelve months after he arrives at age; or if such infant dies under age, his heir or other representative may file a bill of review at any time within twelve months after the death of such infant; and if such non-resident defendant be non compos mentis, he may file a bill of review at any time within twelve months after he becomes of sane mind, or his heir or other representative may do so at any time within twelve months after the death of such non compos mentis. But the provisions of this section are not to apply to any decree to foreclose a mortgage, or for sale of the mortgaged premises, or to a decree for the sale of real or personal property to pay debts or liens, or to a decree for the partition of any real