

plaintiff or plaintiffs to proceed against every such defendant or defendants, and his, her or their heirs, devisees, executors or administrators, by a new execution, or such other process as the nature of the case may require, for such sum of money or tobacco as may remain unsatisfied on his, her or their judgment or decree, in the same manner that he, she or they, might have done if such defendant or defendants had not been arrested on the former writ of execution.

CHAP. 109.

NOVEMBER SESSION, 1804.

CHAP. CVII.

A Further Supplement to the act, entitled, An act to enlarge the powers of the High Court of Chancery. Lib. JG. No. 4, fol. 699.*

Passed Jan 29 1805

See 1807, ch. 140; 1806, ch. 55; May 1813, ch. 21.

* 1785, ch. 72.
Preamble

WHEREAS the acts of assembly of this state giving power to the chancellor to decree in certain cases against persons residing out of the jurisdiction of the state of Maryland, do not extend the said power to cases where the party or parties against whom relief is or may be wanted have or shall remove out of this state to parts unknown, and it cannot be ascertained whether the said party be dead or living, or if dead, who are the legal representatives of such person or persons; therefore,

2. BE IT ENACTED, by the General Assembly of Maryland, That in all cases where any person or persons are bound by any contract or agreement, and are not residents of this state, or to be found therein, and it cannot be ascertained whether the said party or parties be dead or living, and if dead, who are the legal representatives of such person or persons, or whether they have left any, if a bill is filed against such person or persons, to compel a specific performance of such contract or agreement, the chancellor may, without the appearance of the absent parties, at discretion, either take the bill *pro confesso* or issue a commission for taking depositions, which commission may be executed *ex parte*, on the non-appearance of the defendant or defendants in person, or by solicitor or agent, and on the taking *pro confesso*, or return of the commission, the chancellor may proceed to such decree as the justice and equity of the case may require; provided, that the complainant or petitioner shall give at least six months notice of his or her application, in such news-papers as the chancellor shall direct; and every such decree shall have the same operation, effect and consequences, as a decree in virtue of the act aforesaid against persons residing in the state of Maryland who had appeared, and such decree passed in the said court; provided always, that if any person or persons against whom any decree shall be made by virtue of this act, his or their heirs, devisees or representatives, or any person claiming under them, shall appear in the court of chancery at any time, not exceeding eighteen calendar months from the time of making such decree, and request a review of the same, the chancellor, upon a bill filed by such person or persons, shall proceed to an examination of the matters in dispute, and to a final de-

Chancellor may, in cases of non-residents, take the bill *pro confesso*, &c.