

C H A P.
XXX.
In any suit
commenced
against per-
sons out of
this state,
court may
make an or-
der, &c.

II. *Be it enacted, by the general assembly of Maryland,* That if in any suit which shall be hereafter commenced in chancery against any defendant or defendants who resides out of this state, to compel the conveyance of land, or real or personal property, being in this state, or for compliance with any contract respecting land, or real or personal property, in this state, on affidavit being made to the satisfaction of the court, that such defendant or defendants is or are out of this state, and that personal notice has been served on the defendant or defendants, or that notice of filing such bill hath been given ten weeks in the public newspapers of the state or kingdom where the defendant or defendants may reside, then and in such case the said court may make an order, directing and appointing such defendant or defendants to appear at a certain day therein to be named, and a copy of such order shall forthwith be inserted in the Maryland Gazette, and continued therein four weeks, and if such defendant or defendants shall not appear within the time limited by such order, then on proof being made of such publication of such order, the court, being satisfied of the truth thereof, may order the bill of the plaintiff to be taken *pro confesso*, and make such decree thereupon as shall be thought just, and may thereupon issue such process thereon as may be necessary and are usual in other cases where decrees have been made, the plaintiff or plaintiffs giving such security as the said court shall direct, touching the restitution of such land, or real or personal property, (as the case may be) and as the said court shall think proper to make concerning the same, upon the appearance of the defendant or defendants to defend such suit.

Proviso.

III. *Provided always,* If any decree shall be made in pursuance of this act against any person or persons being out of this state at the time such decree is pronounced, and such person or persons shall, within two years after making such decree, come into this state, or in case any defendant, against whom such decree shall be made, shall, within two years after making such decree, happen to die before his or their coming into this state, and the heir or representative, being of age, shall come into this state within two years after such death, or if such heir or representative be an infant, feme-covert, or *non compos mentis*, come into this state within two years after such disability removed, shall not, within six months after such coming into this state, appear and petition to have the cause reheard, such decree so as aforesaid made, shall stand confirmed; but if any person or persons interested or affected by the said decree as aforesaid, shall appear and give security to pay the costs incurred by the plaintiff or plaintiffs in the said suit, within the term of six months after their said coming into this state as aforesaid, the same proceedings shall be had for the determination of the said suit as if the defendant or defendants, or other persons interested therein, had originally appeared to the said suit, and no former decree had been made; and if such defendant or defendants, their heirs, executors or administrators, or any person or persons claiming under them, or any person or persons interested in the said decree, shall neglect to file their petition as aforesaid within the time limited as aforesaid, after coming into this state, then such decree, made as aforesaid, shall stand absolutely confirmed.

Chancellor
may hear dis-
putes, &c.

IV. *And,* whereas disputes may arise between the purchasers of confiscated property and the state, respecting their contracts and purchases, *Be it therefore enacted,* That the chancellor shall have full power and authority to hear and determine all such disputes, by making the attorney-general a party, who shall appear to, answer and defend, the said suit on behalf of the state, and upon hearing may make such order and decree therein as shall be agreeable to equity and justice, and the same proceedings shall be had, and the same rules of decision shall prevail, as in disputed cases between individuals.

And allow
guardians,
&c. a com-
mission, &c.

V. *And be it enacted,* That the chancellor shall have full power and authority to allow any guardians, trustees, agents or factors, who shall make disposition or sale of either real, personal, or mixed property, for the purpose of paying the debts of deceased persons or others, under and in virtue of any order or decree of the chancery court, a commission from one *per cent.* to seven and an half *per cent.* for their trouble in selling and disposing thereof, and paying the same
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