

of such foreign committee shall set forth the entire amount of the property of such *non compos mentis*, including property in this State of such *non compos mentis*, and shall be accompanied by duly authenticated copies of the decree adjudicating such person a *non compos mentis*, and of such committee appointment and qualification and of the bond or other security given by such committee, and shall be verified by affidavit and the sufficiency of the security shall be certified to by the chief clerk or prothonotary of the Court by which said security was taken; and provided further that the Court is satisfied of the truth of the facts set forth in such petition and of the sufficiency of such security.

Non-Residents.

An. Code, sec. 124. 1904, sec. 117. 1888, sec. 105. 1773, ch. 7, sec. 3. 1785, ch. 72, sec. 30. 1787, ch. 30, sec. 1. 1789, ch. 46. 1795, ch. 88, sec. 1. 1799, ch. 79, sec. 1. 1818, ch. 193, sec. 11. 1842, ch. 206, sec. 2.

130. If in any suit in chancery, by bill or petition, respecting, in any manner the sale, partition, conveyance or transfer of any real or personal property lying or being in this State, or to foreclose any mortgage thereon, or to enforce any contract or lien relating to the same, or concerning any use, trust or other interest therein, any or all of the defendants are non-residents, the court in which such suit is pending may order notice to be given to such non-residents, of the substance and object of such bill or petition, and warning them to appear by a day therein stated.

Generally.

A decree that a party is entitled to a conveyance from a non-resident, may be made effective by appointment of a trustee under sec. 98, and to that end the proceedings are *in rem*. *Hollander v. Central Metal Co.*, 109 Md. 149.

Where the clerk of the court has trust money in his hands, the court has jurisdiction over such money and may proceed against the trustee as a non-resident. Such a proceeding is *in rem*. *Chappell v. Clarke*, 94 Md. 182.

Non-residents cannot be considered parties for any other purpose than that necessarily arising out of the object of the bill as stated in the order of publication. Object of such order. *McGaw v. Gorter*, 96 Md. 494.

Jurisdiction over non-resident infants assumed under this section, and sec. 89 of the Code of 1860, held to bind the infants as effectually as if they had been summoned and defended by a guardian. The publication has the effect of a notice although the infants are too young to know anything, but the infants are not charged with knowledge of the entire proceedings. Effect of a decree *pro confesso*. *Jenkins v. Whyte*, 62 Md. 431. And see *Comegys v. State*, 10 G. & J. 182.

The definition of a non-resident within the meaning of this section is the same as that of a non-resident in the attachment law—see notes to art. 9, sec. 2. *Dorsey v. Dorsey*, 30 Md. 531. And see *Hollander v. Central Metal Co.*, 109 Md. 161; *McKim v. Odom*, 3 Bl. 428; *Snowden v. Snowden*, 1 Bl. 557.

If the defendant is in fact a resident, the order of publication is a nullity. *Snowden v. Snowden*, 1 Bl. 558.

This section referred to in construing sec. 142—see notes thereto. *Johnson v. Robertson*, 31 Md. 488.

Cited but not construed in *Neale v. Hagthorp*, 3 Bl. 573; *Buckingham v. Peddicord*, 2 Bl. 454.

Cross references.

As to where a bill against non-residents should be filed, see sec. 93.

Re. mortgage and lease of property owned in part by non-residents, see sec. 61, *et seq.*

As to who fiduciaries may proceed against as non-residents, see sec. 226.

As to alimony against non-residents, see sec. 16.

See secs. 98, 137 and 142 and notes.

As to non-resident guardians and infants, see art. 93, sec. 202, *et seq.*