

As to who fiduciaries may proceed against as non-residents, see sec. 235.

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

See secs. 103, 144 and 149 and notes.

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

An. Code, 1924, sec. 131. 1912, sec. 125. 1904, sec. 118. 1888, sec. 106. 1795, ch. 88, sec. 1. 1842, ch. 216, sec. 1.

**138.** 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 allegation in the bill or petition are fully proved, under a commission to be issued for that purpose, or before one of the examiners of the court; the court shall assign a solicitor for such non-resident defendant 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.

An. Code, 1924, sec. 132. 1912, sec. 125A. 1914, ch. 708. 1920, ch. 662, sec. 125A.

**139.**<sup>1</sup> In all cases in chancery where a *non compos mentis* owns property in this State and is a non-resident, and a guardian, committee or trustee has been appointed for said lunatic in a foreign jurisdiction, either with respect to his real or personal property, and has qualified under the authority of a competent tribunal in said foreign jurisdiction, an exemplified copy of such qualification and appointment shall be full proof in the Courts of this State of the legality of the appointment and qualification of such guardian, committee or trustee, and the Court, upon a bill or petition of such guardian, committee or trustee, shall order a sale or sales of the property of such *non compos mentis* located within this State, if it shall appear to the Court to be for the best interest of such *non compos mentis*, either at public or private sale, but before a confirmation of such sale shall be made it shall affirmatively appear to the Court that a notice to creditors, in the usual form followed in equity, to file claim, if any they have, has been given by public notice in one or more newspapers published in the city or county where the property lies, for at least thirty days, and in all other matters and things the usual practice as to sales in equity shall be followed. After the audit has been stated and confirmed the Court shall, upon proper application by the guardian, committee or trustee, direct that the net proceeds of any sale or sales be transferred to the foreign jurisdiction wherein the *non compos* resides and the guardian, committee or trustee was appointed.

An. Code, 1924, sec. 133. 1912, sec. 126. 1904, sec. 119. 1888, sec. 107. 1773, ch. 7, sec. 4. 1787, ch. 30, sec. 3. 1792, ch. 41, sec. 5. 1795, ch. 88, sec. 1. 1799, ch. 79, sec. 4.

**140.** 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 repre-

<sup>1</sup> The title and enacting clause of ch. 662 of 1920 provide for repealing and amending sec. 118A as enacted by ch. 708 of 1914, but sec. 125A was apparently intended.