

in cases where it is unknown whether a deceased person, resident or non-resident, who, if living, would be a proper party to a bill in chancery, has left any heirs; or if he is known to have left heirs, but the heirs be unknown, in all such cases the bill may describe such unknown heirs as the heirs of the person who, if living, would be a proper party; and in cases where a non-resident is dead and no letters testamentary, or of administration, have been granted in this State; and if it is unknown whether such letters upon his personal estate have been granted elsewhere, the bill may describe as the executor or administrator of such deceased person the personal representative of the person who, if living, would be a proper party; and the bill in cases under this section shall pray that notice of the substance and object thereof may be given by publication as provided by law in cases of non-residents.

A defendant held to be a non-resident within the meaning of this section; meaning of "non-resident." *Hollander v. Central Metal Co.*, 109 Md. 161; *Dorsey v. Dorsey*, 30 Md. 531.

This section has no application when the deceased person, whose heirs are unknown, would not if alive be a proper party himself. Office of an order of publication. *Savary v. DaCamara*, 60 Md. 148.

Cited in *Vantor v. Prevas* (Judge Lawrence, Circuit Court for Harford Co.), Daily Record, Mar. 10, 1939.

An. Code, 1924, sec. 138. 1912, sec. 131. 1904, sec. 124. 1888, sec. 112. 1832, ch. 302, sec. 4. 1835, ch. 380, sec. 6. 1842, ch. 206, sec. 2. 1892, ch. 637.

145. In all cases mentioned in the foregoing section, the court shall order notice to be given by publication in accordance with the prayer of the bill to the heirs or personal representatives of such deceased person as the bill may pray and as they are described therein, and the same proceedings shall be had against them as are had in cases against non-resident defendants named in a bill in chancery, and such publications shall be taken and considered sufficient notice to the heirs of said decedent or to all parties entitled to his personal estate whether executor, administrator, legatee or distributee, as the case may be, and any decree which may be passed shall have the same effect against those described as heirs or against all parties interested in the personal estate of a particular person as if the party whose heirs or personal representatives they are supposed to be were living and a party to such decree, and the making in such case of the unknown foreign personal representative of a deceased non-resident a party defendant to the case shall give the court the same jurisdiction over the personal estate of such decedent as if an executor or administrator of such decedent to whom letters testamentary or of administration had been granted by an orphans' court or register of wills of this State had been made such party defendant; provided, however, that if letters testamentary or of administration on the estate of such decedent shall, after the making of such unknown foreign personal representative a party defendant, be granted upon the personal estate of such decedent by any orphans' court or register of wills of this State, the executor or administrator so appointed may intervene in such chancery case, if the same be still pending and shall thereupon be substituted as a party defendant in the place of said foreign personal representative and shall thereafter represent the personal estate of such said decedent. The provisions of this section to apply to all cases including bills of review, bills of interpleader and supplemental bills.

An order of publication held fatally defective because it warned the unknown heirs of *Abraham Hardester* to appear, instead of those of *Benjamin Hardester*. *Hardester v. Sharretts*, 84 Md. 149.

See notes to sec. 149.