

An. Code, 1924, sec. 139. 1912, sec. 132. 1908, ch. 96.

146. In all cases where a bill in chancery may be filed for the sale, lease, mortgage or other disposition of land or to affect any funds which would descend as real estate, and the owner of the whole or of any part thereof or of any interest therein, whether resident or non-resident, is dead, and it is not known to the complainant or complainants in said bill whether or not said deceased person or persons left any heirs, or, if there are such heirs, who they are or whether they be residents of this State, or non-residents, the said heirs may in such bill of complaint be described as the unknown heirs of such deceased person or persons, and the said bill of complaint shall pray that they be proceeded against as non-residents. In all such cases the order of publication shall issue as of course, in the manner now, or which may be hereafter prescribed by law, for the issuance of the order of publication against non-residents, and shall be published and the publication thereof proved as in cases of order of publication against non-residents. When such order of publication shall have been issued and published as aforesaid, all persons who may be the heirs at law of such deceased person or persons, whether they be residents or non-residents, shall be bound by the decree which may be passed by the court in said case, and all the right, title and interest in said land, or in said fund, owned by said decedent shall pass and be divested in the decree that may be passed in said cause.

See notes to sec. 137.

An. Code, 1924, sec. 140. 1912, sec. 133. 1904, sec. 125. 1890, ch. 472, sec. 112A.

147. Where a non-resident of this State has died, upon whose personal estate no letters testamentary or of administration have been issued by any orphans' court or register of wills of this State, but upon which estate such letters have been issued by a court of probate or other proper authority in some other State, territory or foreign country, it shall be sufficient in any case in chancery in this State now pending or hereafter to be instituted, in which said decedent or his executor or administrator was or would be a proper party defendant, to make such foreign executor or administrator party defendant thereto, and the making of such foreign executor or administrator a party defendant to such 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, and said foreign executor or administrator may in any such case, if a non-resident of this State, be proceeded against as provided for in cases of other non-residents, or if within this State, by service of summons upon him, or said foreign executor or administrator may voluntarily appear to the action, or otherwise become or be made a party defendant as in cases of other parties defendant; provided, however, that if letters testamentary or of administration of the estate of such decedent shall after the making of such foreign executor or administrator a party defendant be granted upon the 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 place of said foreign executor or administrator, and shall thereafter represent the personal estate of said decedent.

As to administration by foreign executors, see art. 93, sec. 80, *et seq.*