

decree for specific performance.

Where if infant or non *compos mentis*  
10 G & J 480,  
12 G & J 69

Not to apply to decrees of foreclosure, mortgage, partition, etc

Id, s 92  
1797, c 114, s 3,  
1832, c 302, s 3,  
1841, c 22, s 3,  
1853 c 38  
Persons secret-  
ing themselves  
to be treated as  
non-residents

Corporations.

Id s 93  
1853, c 36  
Notice in case  
of corporation  
whose officers  
are non-resi-  
dents

Id s 94  
1826, c 199  
Bill of inter-  
pleader, non-  
resident defend-  
ants

Notice.

Id s 95  
1842, c 206, s 2  
Where defend-  
ants not known  
to be living, or  
heirs unknown

Id s 96  
1832, c 302, s 4,  
1835, c 380, s 6,  
1842, c 206, s 2  
How bill may  
describe un-  
known heirs,  
and notice.

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 representative may file a bill of review at any time within twelve months after the death of such infant; and, if such non-resident defendant be *non compos mentis*, he may file a bill of review at any time within twelve months after he becomes of sane mind, or his heir or other representative may do so at any time within twelve months after the death of such *non compos mentis*. But the provisions of this section are not to apply to any decree to foreclose a mortgage, or for sale of the mortgaged premises, or to a decree for the sale of real or personal property to pay debts or liens, or to a decree for the partition of any real or personal property, or to a decree for the sale of any real or personal property for the purposes of division.

**29.** In all cases where two successive subpoenas against a defendant have been returned *non est*, or upon the return of one subpoena *non est*, and proof by affidavit that the defendant hath kept out of the way, or secreted himself, to avoid the service of the subpoena, he may be proceeded against as if he was a non-resident. This to include corporations as well as other persons.

**30.** In a suit against a corporation, whether foreign or domestic, if neither the president, nor any of the directors, officers, or agents upon whom process may be served, reside in this State, such corporation may be proceeded against as a non-resident defendant, by notice by publication, and upon its failure to appear and answer according to such notice, a decree *pro confesso* may be passed against it, or a commission *ex parte* may issue

**31.** Where, in a bill of interpleader, some of the defendants are non-residents, and such non-residents fail to answer, the court may order the answers filed by the other defendants to be taken as the answers of such non-resident defendants, or may, as to such defendants, issue an *ex parte* commission to take testimony, *provided*, notice of the substance and objects of the bill and answers be given, as in other cases of non-residents. This to apply to one or more defendants.

**32.** In cases where it is unknown whether such party be living or dead, the bill may be filed against him as if living, and in cases where the party is dead and it is unknown whether he left any heirs, or if the heirs be unknown, then the bill may describe such unknown heirs as the heirs of the person who, if living, would be the proper party.

**33.** Where it is unknown whether a deceased person who ought to be a party to a bill in chancery has left any heirs, or if the heirs be unknown, in all such cases the bill may describe such unknown persons as the heirs of the person who, if living, would be the proper party, and the court shall order notice by publication to be given to such persons, according to their description in the bill, and the same