

duration specified in section 36 of this article, shall not be estopped thereby from subsequently obtaining a divorce *a vinculo matrimonii* on the ground of abandonment proved to be of the character and duration specified in said section 36.

Approved April 5, 1906.

Trustee.

1906, ch. 373.

215 A. Whenever it shall be the duty of any fiduciary (meaning by the term "fiduciary" any trustee, executor, administrator, receiver, or other fiduciary) to make any delivery or distribution of any property in the possession or control of such fiduciary, and said fiduciary shall apprehend that there may be persons living unknown to such fiduciary who may be entitled to shares thereof, or whose rights will be affected by such distribution or delivery, said fiduciary may apply by bill or petition to the court of equity in the county or city in which said fiduciary resides or has his or its principal office or place of business, praying the said court to assume jurisdiction over the said property and the distribution and delivery thereof, or if a court of equity already has jurisdiction of said property, said application may be made to such court. All persons known to such fiduciary to have any interest in said property shall be named or described and made parties to the proceedings, and their interests shall be stated or set forth, and there shall be a statement in the bill or petition, by which said application to the court is made, showing why such fiduciary apprehends that there may be persons living unknown to him or it who may be interested in said property or whose rights would be affected by said distribution or delivery, and as near as practicable who such persons may be supposed to be. And it shall be the duty of the said court to examine said bill or petition, and any papers filed therewith, and upon being satisfied that sufficient effort has been made by such fiduciary to ascertain whether there are such unknown persons shall pass an order directing the said fiduciary to give notice by publication to such supposed unknown persons, whether they be residents or non-residents of this State, of the substance and object of said bill or petition, and warning them to appear by a day therein stated, which shall not be less than ninety days after the passage of said order, and said notice shall be published for such length