

teen of the Code of Public General Laws, entitled "Chancery," relating to process against non-resident infant defendants in chancery, as repealed and re-enacted by the act of eighteen hundred and sixty-eight, chapter two hundred, be and the same is hereby repealed, and that the following section be inserted in said article as a substitute for and in lieu of said section so repealed:

Repealed and
new section
added.

SEC. 89. In every suit in chancery, by bill or petition, where the defendants, or any of them, shall be infants residing out of this State, or where application is made by the guardian or *prochien ami* of any non-resident infant to sell, lease, mortgage or exchange the real or personal property of such infant, on the prayer or petition of the complainant or petitioner, a commission may be issued, without any previous process or notice to any persons, in the discretion of the judge of the court in which said suit is brought, who reside near such infants, authorizing them, or either of them, to appoint a guardian to answer for such infant or infants, and take the answer of such infants by their said guardian, and the said judge may prescribe the mode of authenticating the execution of such commission, and the answer of every infant so taken in any case, when returned to the court issuing the commission, shall be as effectual as if taken under a commission executed within the jurisdiction of such court; provided that if in any such suit the party or parties complainant shall allege and prove by oath or affirmation that the whereabouts of the infant defendant is unknown to him, her or them, and that he, she or they have made diligent inquiry to ascertain the same, the said oath or affirmation, where there is more than one complainant, to be made by any one, any number or all of such parties, in the discretion of the court, or when a commission may have been issued, as herein provided, and the party or parties to whom such commission may have been issued shall refuse or neglect to execute or return the same, according to the exigency thereof, beyond a reasonable length of time, to be judged of by the court issuing such commission, then the said infant defendants, being non-residents, may be proceeded against by notice given as provided for in the preceding section of this article

Commission
may be issued

Infant
defendants
may proceed
against.