

C. H. A. P.
VII.

bill to be delivered to the plaintiff or plaintiffs, or otherwise, as the nature of the case shall require; and the said court may likewise order such plaintiff or plaintiffs to be paid and satisfied his, her or their demands, out of the estate or effects so sequestered, according to the true intent and meaning of such decree, such plaintiff or plaintiffs first giving sufficient security, in such sum as the court shall think proper, to abide such order, touching the restitution of such estate or effects, as the court shall think proper to make concerning the same, upon the appearance of the defendant or defendants to defend such suit, and paying such costs to the plaintiff or plaintiffs as the court shall order.

Proviso, in
case of ab-
sconding per-
sons.

IV. **Provided always,** That if any decree shall be made, in pursuance of this act, against any person or persons being out of this province, or absconding in manner aforesaid, at the time such decree is pronounced, and such person or persons shall, within two years after making such decree, return or become publicly visible, then, and in such case, he, she or they, shall likewise be served with a copy of such decree, within a reasonable time after his, her or their return, or public appearance, shall be known to the plaintiff or plaintiffs; and in case any defendant, against whom such decree shall be made, shall, within two years after making such decree, happen to die before his or her return into this province, or appearing openly as aforesaid, then his or her heir, if such defendant shall have any real estate sequestered; or whereof possession shall have been delivered to the plaintiff or plaintiffs, and such heir may be found; or if such heir shall be a *feme covert*, infant, or *non compos mentis*, the husband, guardian or committee, of such heir respectively, or, if the personal estate of such defendant be sequestered, or possession thereof delivered to the plaintiff or plaintiffs, then his or her executor or administrator (if any such there be) may and shall be served with a copy of such decree, within a reasonable time after it shall be known to the plaintiff or plaintiffs that the defendant is dead, and who is his or her heir, executor or administrator, or where he, she or they, respectively, may be served therewith; and if any person or persons, so served with a copy of such decree, shall not, within six months after such service, appear and petition to have the said cause reheard, such decree, so made as aforesaid, shall stand absolutely confirmed against the person or persons so served with a copy thereof, his, her and their respective heirs, executors and administrators, and all persons claiming, or to claim, by, from or under him, her, them, or any of them, by virtue of any act done, or to be done, subsequent to the commencement of such suit; and if any person, so served with a copy of such decree, shall, within six months after such service, or if any person, not being so served, shall, within two years next after the making such decree, appear in court, and petition to be heard with respect to the matter of such decree, and shall pay down, or give security for payment of such costs as the court shall think reasonable in that behalf, the person or persons so petitioning, his, her or their respective representatives, or any person or persons claiming under him, her or them respectively, by virtue of any act done before the commencement of the suit, may be admitted to answer the bill exhibited, and issue may be joined, and witnesses on both sides examined, and such other proceedings, decree and execution, may be had thereon, as there might have been in case the same party had originally appeared, and the proceedings had been newly begun, or as if no former decree or proceedings had been in the same cause: And if any person or persons against whom such decree shall be made, his, her or their heirs, executors or administrators, shall not, within two years next after making such decree, appear and petition to have the cause reheard, and pay down, or give security for payment of such costs as the court shall think reasonable in that behalf, such decree, made as aforesaid, shall stand absolutely confirmed against the person and persons against whom such decree shall be made, his, her and their heirs, executors, and administrators, and against all persons claiming, or to claim, by, from or under him, her, them, or any of them, by virtue of any act done subsequent to the commencement of such suit; and, at the end of such two years, it shall and may be lawful for the court to make such further order as shall be just and reasonable, according to the circumstances of the case.

V. And