

shall be out of the state, so that he or she hath not notice of the death of the intestate in time to enter a caveat, and the real estate of the deceased shall be escheated, this state will, upon application of such creditor, pay to the amount received by the state upon such escheat to the discharge of the just claim of such creditor, to be made appear to the satisfaction of the chancellor.—*ibid.* § 2.

32. If in any suit which shall be hereafter commenced in chancery against any defendant or defendants who resides out of this state, to compel the conveyance of land, or real or personal property, being in this state, or for compliance with any contract respecting land, or real or personal property, in this state, on affidavit being made to the satisfaction of the court, that such defendant or defendants is or are out of this state, and that personal notice has been served on the defendant or defendants, or that notice of filing such bill hath been given ten weeks in the public news papers of the state or kingdom where the defendant or defendants may reside, then and in such case the said court may make an order, directing such defendant or defendants to appear at a certain day therein to be named, and a copy of such order shall forthwith be inserted in the Maryland Gazette, and continued therein 4 weeks, and if such such defendant or defendants shall not appear within the time limited by order, then on proof being made of such publication of such order, the court being satisfied of the truth thereof, may order the bill of the plaintiff to be taken *pro confesso*, and make such decree thereupon as shall be thought just, and may thereupon issue such process thereon as may be necessary and are usual in other cases where decrees have been made, the plaintiff or plaintiffs giving such security as the said court shall direct, touching the restitution of such land, or real or personal property, (as the case may be) and as the said court shall think proper to make concerning the same, upon the appearance of the defendant or defendants to defend such suit.
—April, 1787, c. 30, § 2,

33. But if any decree shall be made in pursuance of this act against any person or persons being out of this state at the time such decree is pronounced, and shall, within two years after making such decree, come into this state, or 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 their coming into this state, and the heir or representative, being of age, shall come into this state within two years after such death, or if such heir or representative be an infant, feme covert, or *non compos mentis*, come into this state within 2 years after such disability removed, shall not, within 6 months after such coming into this state, appear and petition to have the cause reheard, such decree, shall stand confirmed; but if any person or persons interested or effected by the said decree as aforesaid, shall appear and give security to pay the costs incurred by the plaintiff or plaintiffs in the said suit, within 6 months after