

CHAP. 139

may remit the fine aforesaid, and discharge such officer from the attachment on the payment of the costs arising from the proceedings had and made in consequence of the non-return of the writ or process herein before mentioned; and the said justices shall direct such affidavit to be filed, and their judgment in relation thereto to be entered on the record of their proceedings; provided nevertheless, that nothing herein contained shall in any manner affect the remedy given to the party grieved by the first section of the "act relative to the administration of justice," passed at December session eighteen hundred and fifteen(a), for the neglect or delay of any such sheriff, coroner, or other officer, in not making a due return of process directed and delivered to him as aforesaid.

(a) Ch. 148. See 1815, ch. 163, s. 7.

DECEMBER SESSION, 1818.

CHAP. CXXXIII.

Passed Feb 6 1819 *An Act to amend the law in the cases therein mentioned.* Lib. TH. No. 6, fol. 345.

In cases where non residents are parties court to cause notice to be given in the public papers for them to appear by a certain day, &c.

1. BE IT ENACTED, by the General Assembly of Maryland, That in all cases of petitions now pending, or hereafter to be instituted, in any of the courts of this state, where a person or persons, non-residents of this state, are or may be a party or parties thereto, it shall and may be lawful for such court, upon being satisfied of such nonresidence as aforesaid, and that the process of such court cannot be served on such party, to order and direct such notice to be given by advertisement in the public papers, or otherwise, as they may deem reasonable, upon consideration of all the circumstances, warning such person or persons, nonresidents as aforesaid, to appear by a certain day by them to be appointed, at least three months thereafter, and on such notice being given, it shall and may be lawful for such court, and they are hereby authorised and empowered, forthwith to hold jurisdiction of the case, and to hear and determine the same as fully and amply, to all intents and purposes, as if such person or persons, nonresidents of this state as aforesaid, had appeared thereto.

Upon petition for sale of real estate of infants, court to appoint three freeholders to ascertain real value of the land, &c.

2. AND BE IT ENACTED, That upon all petitions of any guardian or *prochein ami*, for the sale of the real estate of any infant or infants, it shall and may be lawful for the court before whom any such petition may be pending, and they are hereby required, to issue a commission to not less than three discreet and sensible men, freeholders of the county where such lands to be affected by such petition may lie, whose duty it shall be to view and ascertain, by competent and disinterested evidence, the real value of the said lands, taking into consideration the quality, local situation, improvements, with all the advantages, and also the disadvantages and incumbrances attending the same, and to determine, under all circumstances, whether it would be to the interest and advantage of the infant or infants that such land should be sold, and report the same to the court, with their reasons therefor; *Provided*, that the said report shall not be conclusive on the court, but the court may, in their discretion, examine witnesses, and have other testimony,