

themselves, executed the same; and all and every such infant or infants, or persons being idiot, lunatic, or *non compos mentis*, being trustee or trustees, mortgagee or mortgagees, or being seized or possessed of lands, tenements or hereditaments, liable or subject in any manner aforesaid, or the committee or committees of all and every such persons, being idiot, lunatic, or *non compos mentis*, shall and may be compelled, by such order as aforesaid, to make such conveyance or conveyances, assurance or assurances, in like manner as persons of full age and of sane memory are compellable to make.

C H A P.  
VII.

II. **Provided always,** That no order or direction, as aforesaid, shall be made or given in virtue of this act, in the case of any infant or infants seized or possessed of any lands, tenements or hereditaments, charged with or subject to the payment of money or tobacco, unless it shall appear, that the guardian or guardians of such infant or infants hath or have consented thereunto; and also that such infant or infants will not sustain any detriment, disadvantage or inconvenience, from such order or direction; and also that, upon every order or direction for conveyance to be made by an infant or infants, for the specific performance and execution of any such agreement, as aforesaid, liberty shall be reserved for the said infant or infants, to shew cause, within six months after he, she or they, shall have attained the full age of twenty-one years, if such infant or infants shall attain such full age; and also for the heirs of such infant or infants, if such infant or infants shall not so long live, in six months after the decease of such infant or infants, if the said heirs shall then be of full age, and if such heirs shall not then be of full age, in six months after such heirs shall have attained his, her or their full age, why such conveyance ought not to have been ordered or directed; and, on sufficient cause being shewn as aforesaid, the infant or infants aforesaid, or his, her or their heirs, shall be entitled to and have a reconveyance, by order or decree of the said court, of the said lands, tenements or hereditaments, by whomsoever claimed or possessed, by, from or under the conveyance made by such infant or infants aforesaid; and also a full account of the rents and profits thereof, of and from the person or persons who shall have received the same.

Proviso.

III. **And be it further enacted,** by the authority aforesaid, That if in any suit, which shall be commenced in the court of chancery, any defendant or defendants, against whom any subpoena or other process shall issue, shall not cause his, her or their appearance to be entered upon such process, within such time and in such manner as according to the rules of the court the same ought to have been entered, in case such process had been duly served, and an affidavit or affidavits shall be made to the satisfaction of the court, that such defendant or defendants is or are out of this province, or that upon inquiry at his, her or their usual place of abode, he, she or they, could not be found so as to be served with such process, and that there is just ground to believe that such defendant or defendants is or are gone out of this province, or otherwise abscond to avoid being served with the process aforesaid, then, and in such case, the said court may make an order, directing and appointing 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 for six successive weeks; and a copy of such order shall be left, as soon as conveniently may be, at the usual place of abode of such defendant or defendants, before his, her or their, leaving this province or absconding as aforesaid; and also a copy of it shall be forthwith set up at the door of the court-house of the county wherein the defendant or defendants did last reside, before his, her or their, absconding as aforesaid; and if the defendant or defendants do not appear within the time limited by such order, or within such further time as the court shall appoint, then, on proof made of such publication of such order, the court, being satisfied of the truth thereof, may order the bill of the plaintiff or plaintiffs to be taken *pro confesso*, and make such decree thereupon as shall be thought just, and may thereupon issue process to compel the performance of such decree, either by an immediate sequestration of the real and personal estate and effects of the party or parties so absenting (if any such can be found) or such part thereof as may be sufficient to satisfy the demands of the plaintiff or plaintiffs in the said suit, or by causing possession of the estate or effects demanded by the

Defendants not causing their appearance to be entered, &c. the court of chancery to compel performance of their decree, &c.