

these in their order, and then close this chapter of escheat: By the act of 1785, ch. 78, it was provided that where any person died seized of lands &c. intestate and without heirs of the whole or half blood, *indebted*, and not leaving sufficient personal estate to pay his debts, any of his creditors might file a petition in the chancery court, suggesting such facts, and praying that such real estate, or so much thereof as was necessary, might be sold for the payment of the debts of the deceased, to which petition the attorney general was to appear on the part of the state, and the chancellor, being satisfied of the facts might order a sale of the whole, or part, as might be necessary, and if the whole was not sufficient, might direct a division between the creditors in proportion to the amount of their claims. Upon a certificate of survey being returned on an escheat warrant any creditor might enter a caveat thereto, and no patent was to issue until the matter had been examined by the chancellor, and the creditors proving their debts to his satisfaction had been paid by sale of the property, as before directed. In case of a person's dying intestate, and without heirs, as aforesaid, after having contracted in writing for the sale of any of his real estate, the person claiming a right of conveyance might file his petition in manner aforesaid, to which the attorney general was to appear, and the chancellor, being satisfied that the party had a just claim to a conveyance, might decree that the attorney general should execute a conveyance accordingly, upon such terms and conditions as he the chancellor, should think proper; the consideration money, if any due, to be paid, before conveyance, to the treasurer of the Western shore, to be applied in the first place to discharge the debts due from the deceased, and the balance to the use of the state. It was further provided that in case of a creditor's being out of the state, so as not to have notice of the death of the intestate in time to enter a caveat, and the real estate in consequence escheated, the state would, upon application of such creditor, pay, to the amount which it had received on the escheat, in discharge of such creditor's claims, the same being first proved to the satisfaction of the chancellor. The act containing these provisions is still in force, having after some continuances, been made permanent by act of 1804 ch. 108.

The act of 1794, ch. 60, pursuing the subject of debts, ordains that where lands shall have been patented under escheat warrants, the creditors, provided that they are citizens of the state of Maryland, or that their claims were contracted within the same, may file their bill in chancery against the state, in which it shall be sufficient to state the nature of their claims as if the suit was brought against the original debtor, and upon serving subpoena on the attorney general, and estab-