

CHAPTER 72.

AN ACT for enlarging the power of the High Court of Chancery.

Supplementary and other acts, 1785, ch. 78; April, 1787, ch. 30; 1789, ch. 46; 1790, ch. 38, 60; 1791, ch. 79; 1792, ch. 41, 76; 1793, ch. 75; 1794, ch. 60; 1795, ch. 88; 1797, ch. 51, 114; 1798, ch. 84, 101, sub ch. 1, sec. 4; ch. 10, sec. 11; ch. 12, sec. 10; ch. 14, sec. 6; 1799, ch. 79; 1800, ch. 67; 1802, ch. 100, 109; 1804, ch. 107; 1805, ch. 65, 93, 99; 1806, ch. 55; 1807, ch. 140; 1811, ch. 189; 1813, ch. 21; 1814, ch. 94; 1815, ch. 163; 1816, ch. 134, 154; 1817, ch. 119, 139; 1818, ch. 133; 1819, ch. 144, 183; 1820, ch. 161; 1821, ch. 48, 125, 218; 1822, ch. 107; 1823, ch. 146, 204; 1824, ch. 133, 196; 1825, ch. 25, 117; 1826, ch. 159, 178, 199, 200, 222; 1828, ch. 26; 1830, ch. 185, 187; 1831, ch. 309, 311, 315, 1832, ch. 53, 197, 302, 306; 1833, ch. 150, 181, 283; 1834, ch. 76, 305, 346, 367, 380; 1835, ch. 380, 386; 1836, ch. 128, 197, 269; 1837, ch. 116, 292.

The profession are referred to the Index, word 'Chancery,' where, the chancery jurisdiction and the mode of its action, under the acts of assembly, will be found distributed under appropriate titles.

In certain cases chancellor may order a sale, &c.

Be it enacted by the General Assembly of Maryland, That where any person or persons under the age of twenty-one years, or being idiot, lunatic, or non compos mentis, are or shall be possessed of any lands, tenements, hereditaments or real estate whatsoever, which are, or shall be and stand, mortgaged for the payment of any sum or sums of money or tobacco, or for securing the payment of any debt whatsoever, and the day of payment in such mortgage is elapsed, it shall and may be lawful for the chancellor, upon the petition of the mortgagee or mortgagees, or any person claiming under the mortgage, after summoning the infant, and his appearance by guardian, to be appointed by the chancellor for that purpose, and to answer and defend on the part of such infant, or after the appearance of such person being idiot, lunatic or non compos mentis, by the trustee or trustees, or committee of such person being idiot, lunatic or non compos mentis, to be appointed by the chancellor on behalf of such person for the purposes aforesaid, and hearing all parties, and being well satisfied of the execution of the deed of mortgage, and that the sum claimed by the person making such application is justly due, to order and decree a sale of such mortgaged premises, or such part thereof as may be necessary to discharge the debt or debts due on such mortgage, or the chancellor may decree a foreclosure of the whole or such part of the mortgaged premises as may be necessary and sufficient to discharge, pay and satisfy, the debt or debts due upon and secured by such mortgage, in such manner as the chancellor shall judge most proper; but if a part only is foreclosed, and such part shall be esteemed by the mortgagee, or person praying a foreclosure, insufficient to pay the money secured by such mortgage, then a sale thereof shall be made in such manner as the chancellor shall direct, and the money