

gators is or are dead or alive, and if dead, who are the legal representatives of such person or persons, or whether they have left any, it shall and may be lawful for the chancellor in such cases, upon satisfactory testimony thereof by affidavit of the complainant, and other evidence, to decree, upon giving such public notice as he shall deem necessary, a foreclosure of such mortgage, or sale of the mortgaged premises, and conveyance thereof, as in other cases where the party appears, and such decree passes in the said court.

By 1795, ch. 83, sec. 2, the chancellor may decree the sale of any equitable title or claim to land in any case in which he might on application decree the sale of a legal complete title, &c.

SEC. 10. *And*, whereas it often occurs that persons against whom judgments or decrees are obtained hold and possess, or claim, lands, tenements or hereditaments, by equitable title only, and the creditor or creditors of such persons are often without remedy, either at law, or in equity, *Be it enacted*, That in such cases it shall and may be lawful for the chancellor, on application, to decree a sale of such equitable interest for the benefit of the creditor or creditors applying for the same, and the purchaser or purchasers thereof, under such decree, shall, upon payment of the purchase money, be entitled to an assignment of such equitable interest, to be made by the trustee making such sale, and shall be entitled to such remedies, both in law and equity, against all persons, and in all cases, as the person could or might have had whose title he, she or they, may claim by virtue of such purchase.

And a sale of equitable interest, &c.

By 1810, ch. 160, equitable estates, in lands, are subjected to sale under writs of fieri facias.

NOVEMBER, 1795.—CHAPTER 23.

AN ACT respecting Executions issued from one county to another, and to compel the attendance of Witnesses summoned from one county to another.

See process act, 1817, ch. 139.

Be it enacted, by the General Assembly of Maryland, That in all cases where any execution has been, or shall be sent, with an attested short copy of the judgment whereon the same may have been issued, from one county to another, according to the provisions of the act passed at October session, seventeen hundred and seventy-seven,* entitled, an act to empower the county courts to issue subpoenas for witnesses residing in other counties to attend trials to be had before such courts, and to direct the manner of issuing executions from one county to another, and of the act passed at November session, seventeen hundred and ninety-four,† entitled, an act for the amendment of the law in certain cases, the same proceedings shall and

How certain executions are to be proceeded on, &c.

*Chap. 12.

†Chap. 54.