

CHAPTER 193.

AN ACT to declare and enlarge the powers of the Court of Chancery, and the County Courts as Courts of Equity.

See notes to 1785, ch. 72, ante page 208.

Certain appeals to be confined to decretal orders.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That appeals from orders of the said courts, as referred to in the twenty-seventh section of the act of seventeen hundred and eighty-five, chapter seventy-two, be confined to decretal orders.

Some provisions extended to persons of full age.

SEC. 2. *And be it enacted,* That the provisions of the fifth section of the said act, and of the several acts supplementary thereto, in relation to the sales of real estate, be extended to defendants of full age.

Also to clerk on commission.

SEC. 3. *And be it enacted,* That the provisions of the fifteenth section of the said act, be extended to the clerk employed on every commission.

Decree may be enforced without demand of compliance.

SEC. 4. *And be it enacted,* That under the twenty-fifth section of the aforesaid act of seventeen hundred and eighty-five, it shall not be necessary to make any demand of a compliance with the decree, (as the practice has been,) to entitle the party obtaining the decree to process thereon.

Bills taken pro confesso may be decided in cases of default on testimony taken

SEC. 5. *And be it enacted,* That in cases wherein a power is given to take bills pro confesso, or to issue a commission ex parte, a decision may be made against the defendants absent making default, on the testimony taken between the parties, instead of issuing such commission.

between parties. Certain powers as to sheriffs, &c. vested in courts of equity.

SEC. 6. *And be it enacted,* That in addition to the powers given in regard to sheriffs and other officers, by the twenty-third section of the said act, the provisions of the act of seventeen hundred and ninety-seven, chapter forty-three, be extended to the court of chancery, and the county courts as courts of equity.

Power to sell equitable titles to real estates.

SEC. 7. *And be it enacted,* That the provisions of the act of eighteen hundred and sixteen, chapter one hundred and fifty-four, be extended to equitable titles to real estates.

Sale of real estate to save personal may be decreed.

SEC. 8. *And be it enacted,* That a sale of real estate may be decreed in the discretion of the chancery court, and the county courts as courts of equity, in order to save the personal, with the consent of all parties of full age, and the actual guardian of minors.

By 1819, ch. 183, where any real estate is decreed to be sold under this section, and a widow is entitled to any right of dower in such real estate, the trustee, (with the consent in writing of the widow,) shall sell the estate free and disencumbered of any right of dower of the widow, and in consideration thereof the chancellor, &c. shall award to the widow such proportion of the purchase money as he shall think just and equitable, not exceeding one-seventh part, nor less than one-tenth part of the net proceeds of the sale according to the age, health and condition of the widow.