

## CHAP. 78.

State will pay creditors in certain cases, &c

2. AND BE IT ENACTED, That if the creditor of any person dying intestate, and without heirs as aforesaid, shall be out of the state, so that he or she hath not notice of the death of the intestate in time to enter a caveat as aforesaid, and the real estate of the deceased shall be escheated, this state will, upon application of such creditor, pay to the amount received by the state upon such escheat to the discharge of the just claim of such creditor, to be made appear to the satisfaction of the chancellor.

## NOVEMBER SESSION, 1786.

## CHAP. XLV.

Passed Jan 20 1787

An Act to direct Descents. Lib. TBH. No. B. fol. 161.

Supplementary and other acts 1797, ch. 114; 1799, ch. 49; 1802, ch. 94; 1805, ch. 119; Nov. 1809, ch. 160; 1810, ch. 28; 1811, ch. 200; Nov. 1812, ch. 68, ch. 181; 1814, ch. 109, 1815, ch. 205; and 1819, ch. 152.

Preamble

WHEREAS the law of descents, which originated with the feudal system and military tenures, is contrary to justice, and ought to be abolished;

How land shall descend, &c

2. BE IT ENACTED, by the General Assembly of Maryland, That if after the commencement of this act, any person seized of an estate in any lands, tenements or hereditaments, lying or being in this state, in fee-simple or fee-simple conditional, heretofore or hereafter acquired, or of an estate in fee-tail, to the heirs of the body generally, created and acquired after the commencement of this act, shall die intestate thereof, such lands, tenements or hereditaments, shall descend to the kindred, male and female, of such person, in the following order, to wit: First to the child or children and their descendants, if any, equally, and if no child or descendant, and the estate descended to the intestate on the part of the father, then to the father, and if no father living, then to the brothers and sisters of the intestate of the blood of the father, and their descendants equally, and if no brother or sister as aforesaid, or descendant from such brother or sister, then to the grand-father on the part of the father, and if no such grand-father living, then to the descendants of such grand-father and their descendants in equal degree equally, and if no descendant of such grand-father, then to the father of such grand-father, and if none such living, then to the descendants of the father of such grand-father in equal degree, and so on, passing to the next lineal male paternal ancestor, and if none such, to his descendants in equal degree without end and if no paternal ancestor, or descendant from such ancestor, then to the mother of the intestate, and if no mother living, to her descendants in equal degree equally, and if no mother living, or descendants from such mother, then to the maternal ancestors and their descendants in the same manner as is above directed as to the paternal ancestors and their descendants; and if the estate descended, to the intestate on the part of the mother, and the intestate shall die without any child or descendant as aforesaid, then the estate shall go to the mother, and if no mother living, then to the brothers and sisters of the intestate of the blood of the mother and their descendants in equal degree equally, and if no such brother or sis-