

CHAP. 60.

contract, any debt or debts within this state, or with any of the citizens thereof, the chancellor of this state, upon the application of any such creditor or creditors, and such notice thereof being given as he shall direct, shall have full power and authority, if the claim of such creditor or creditors shall be established, and it shall appear to the chancellor to be just and proper, upon consideration of all circumstances, that such debt or debts should be paid by a sale of such real estate so devised or descending, to order and decree the whole, or any part thereof, to be sold for the payment of such creditor or creditors, in such manner, and upon such terms, as the chancellor, in his discretion, shall think proper; and the chancellor in all such cases shall have the same power and authority as he hath in other cases by the act to which this is a supplement.

5. AND, whereas many persons die possessed of, or claim, land within this state, and have only an equitable title to the same, without leaving any known heir or devisee who can inherit the said land, whereby the creditors of such persons, in default of other assets, are without remedy for the recovery of such debts, BE IT ENACTED, by the General Assembly of Maryland. That in case any person seized or possessed of any lands, tenements or hereditaments, in this state, or having an equitable right, title or interest therein, hath died, or shall die, without leaving any known heir or devisee capable of inheriting or taking the same, and without leaving a sufficient personal estate for the payment of his or her debts contracted within this state, or with any of the citizens thereof, the chancellor shall have full power and authority, upon the application of any such creditor or creditors, and such notice thereof being given as he shall direct, if the claim of such creditor or creditors shall be established to his satisfaction, to order and decree the whole of such real estate to be sold for payment of such creditor or creditors, in such manner, and upon such terms, as the chancellor in his discretion shall think proper, and after payment and satisfaction of such creditor or creditors, and the costs of such suit, to order and decree the surplus arising from such sale to be paid into the treasury for the use of the state; and the chancellor in all such cases shall have the same power and authority as he hath in other cases by the act to which this is a supplement.

Where persons die seized, &c. chancellor may order and decree, &c.

Persons purchasing to be entitled, &c.

4. AND BE IT ENACTED, That any person or persons who shall purchase an equitable title to lands under any decree of the chancellor passed in virtue of the provisions of this act, shall be entitled, upon payment of the purchase money, to an assignment or conveyance of such equitable interest, to be made by the trustee or trustees making such sale, and shall, in consequence of such purchase and assignment, or conveyance, stand, as to title, in the place of the person dying seized and possessed as aforesaid, and entitled to such remedy in all cases, and against all persons, as the person could or might have had whose title he, she or they, may claim by virtue of such purchase.

Creditors may pray a subpoena, &c.

5. AND BE IT ENACTED. That any creditor or creditors making application to the chancellor as aforesaid, by bill or petition, may pray and obtain a subpoena against the person or persons having the legal title to the land whereof the deceased died seized or possessed, or to which he, she or they, had claim, under the circum-