

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.

CHAP. 69.
And a sale of equitable interest, &c.

NOVEMBER SESSION, 1795.

CHAP. LXXXVIII.

An Act relative to the proceedings in the Court of Chancery and in the Land Office. Lib. JG. No. 2, fol. 399. Passed Dec 24 1795
A Supplement, 1796, ch. 6.

1. **BE IT ENACTED**, by the General Assembly of Maryland, That in any case whatever, where a bill shall be filed in the court of chancery against any person or persons not residing within the state, the chancellor may direct such notice of the said bill, and of the object thereof, by advertisement in news-papers, or otherwise, as to him shall seem proper, warning the defendant or defendants to appear in the said court in person, or by a solicitor, on or before some day to be fixed, not less than four months distant from the time of the first advertisement, or other notice, to shew cause why a decree should not be passed as prayed by the bill; and in case the defendant or defendants shall not so appear within the time limited, either the bill, at the discretion of the chancellor, may be taken *pro confesso*, and he shall proceed to decree in the same manner as if the defendant or defendants had admitted, by answer, the facts stated in the bill, or a commission shall, on application of the complainant or complainants, be issued for taking depositions on his or their part, and on return of the said commission, the chancellor may proceed to decree according to the facts proved, and the established principles and practice in equity; provided nevertheless, that if the said defendant or defendants shall appear to the bill in person, or by a solicitor, at any time before a decree shall be passed, there shall in all respects be the same proceedings before a decree, as if the defendant or defendants had appeared regularly on the return of a subpoena(a;) and provided also, that if any person, against whom a decree shall be made, in

In certain cases chancellor may direct notice, &c.

(a) By 1799, ch. 79, s. 9, if any defendant shall appear in court, either in person or by solicitor, he shall put in a good and sufficient answer to each interrogatory contained in the bill, or a plea or a demurrer to the same, on or before the fourth day of the term succeeding such appearance, he shall otherwise be liable to be proceeded against, if a resident of the state, as if he had been duly summoned, &c. and if he be a nonresident, either the bill shall be taken *pro confesso*, or, at the discretion of the chancellor, a commission shall issue. &c.