

C H A P.
LXXI.

first day of September next, and in such case there shall be a sale made of the said property of Henry Steventon by such person or persons as the chancellor shall direct, and upon such terms, not giving credit for above one year, as the chancellor shall direct, and bond shall be taken for such property, if sold on credit, in such manner as the chancellor shall direct; and if the chancellor shall be of opinion, that the said Robert Ballard has a just and equitable title under his purchase from the said commissioners, to all the land meant, intended and agreed, to be sold to him, then such opinion shall be entered upon the application aforesaid, and the said Robert Ballard shall pay the money agreeably to his bond aforesaid.

C H A P. LXXII.

Passed March
30.

An ACT for enlarging the power of the high court of chancery.

Where persons under age, &c. are possessed of lands, &c. chancellor may order a sale, &c.

BE it enacted, by the General Assembly of Maryland, That where any person or persons, under the age of twenty-one years, or being idiot, lunatic, or non compos mentis, are or shall be possessed of any lands, tenements, hereditaments or real estate whatsoever, which are, or shall be and stand, mortgaged for the payment of any sum or sums of money or tobacco, or for securing the payment of any debt whatsoever, and the day of payment in such mortgage is elapsed, it shall and may be lawful for the chancellor, upon the petition of the mortgagee or mortgagees, or any person claiming under the mortgage, after summoning the infant, and his appearance by guardian, to be appointed by the chancellor for that purpose, and to answer and defend on the part of such infant, or after the appearance of such person, being idiot, lunatic, or non compos mentis, by the trustee or trustees, or committee of such person being idiot, lunatic, or non compos mentis, to be appointed by the chancellor on behalf of such person, for the purposes aforesaid, and hearing all parties, and being well satisfied of the execution of the deed of mortgage, and that the sum claimed by the person making such application is justly due, to order and decree a sale of such mortgaged premises, or such part thereof as may be necessary to discharge the debt or debts due on such mortgage, or the chancellor may decree a foreclosure of the whole or such part of the mortgaged premises as may be necessary and sufficient to discharge, pay and satisfy, the debt or debts due upon and secured by such mortgage, in such manner as the chancellor shall judge most proper; but if a part only is foreclosed, and such part shall be esteemed by the mortgagee, or person praying a foreclosure, insufficient to pay the money secured by such mortgage, then a sale thereof shall be made in such manner as the chancellor shall direct, and the money raised by such sale, or so much thereof as is necessary, shall be applied to discharge the debt secured by such mortgage; and if money sufficient to pay the debt secured by the mortgage is not raised by a sale of the part foreclosed and sold as aforesaid, then the chancellor shall decree a sale of such other part of the mortgaged premises as will be sufficient for that purpose.

Persons applying for a foreclosure to give bond, &c.

II. And be it enacted, That in all cases where a foreclosure of any mortgage, or sale of any land, shall be applied for, in which any infant shall be interested, the person or persons applying for such foreclosure or sale, before any decree of foreclosure or sale is made, shall give bond, with good and sufficient security approved by the chancellor, to the infant, his heirs, executors and administrators, in such penalty as the chancellor shall direct, with condition, that in case the infant, within one year after arrival to age, shall make appear, to the satisfaction of the chancellor, that there was fraud in obtaining the mortgage-deed, or that no deed was really executed, or that the debt claimed, or so much as decreed to be paid, was not

Nov. 1773. c. 7
Dec. April 1707. c. 30-
1789. c. 46
1790. c. 28
1791. c. 79
1792. c. 41
1794. c. 69
1795. c. 88