

any such creditor or creditors, and such notice thereof given as he shall direct, if the claim of such creditor or creditors shall be established to his satisfaction, 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 costs of 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 authority as he hath in other cases by the act. (1785. c. 72.) to which this is a supplement.—*ibid.* § 3.

42. 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.—*ibid.* § 4.

43. 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 circumstances aforesaid; and in case the facts set forth in the bill or petition, to entitle the complainant or complainants to a decree as aforesaid, shall be established to the satisfaction of the chancellor, after the summoning and hearing of the person or persons so made defendant or defendants, or after such proceedings against such defendant or defendants, as would entitle the complainant or complainants to a decree in any other application for a decree for conveyance in case of the defendant or defendants being under age, or residing out of the state, or standing out the process of the court, the chancellor by his decree may direct the trustee appointed, to make sale, on the chancellor's ratification thereof, and on receipt of the purchase money, by deed indented, acknowledged and recorded, agreeably to law, to convey to the purchaser or purchasers all the right, title, interest, and estate, which was in the person so dying seized or possessed, or to which he, she, or they had claim as aforesaid, and all the right, &c. of the person or persons having the legal estate in the land sold, and made defendant or defendants; which purchaser shall be entitled to hold the land so conveyed, free and discharged from all claim of any person claiming by descent or devise, under the person dying seized or possessed, or claiming as aforesaid, and from all claim of such defendant or defendants.—*ibid.* § 5.