

ought therefore to have issued, in the same manner as he may by the said act for lands within this state granted by any late proprietary of Pennsylvania.

C H A P.  
XLIV.

IV. AND, whereas executions or other process may issue on the said bonds before the contract can be adjusted as aforesaid, and it would be unjust towards the debtors, and grievous to them to be compelled to pay more than is due on their contracts, BE IT ENACTED, That on any of the said debtors making affidavit, that they do respectively believe that the whole or some part of the purchase money, mentioning the sum at the least, is not justly due, because as he believes he can take no benefit of the contract for want of title of the public in the land sold; or that a number of acres mentioned in the affidavit, at least will be taken away by an elder title or purchase, or that he or some other person, naming him, hath, as he believes, an equitable title to such a number of acres at the least of the land purchased, complying with the office terms of Pennsylvania as aforesaid, as the case may be, the said late commissioners, or any one or more of them, or the late intendant, who sold the land, may stay the issuing or service of execution, or the bringing of suit, on the bond given by such debtor, as to the sum and interest they or he may think ought to be discounted or abated for the cause mentioned in such affidavit, for any time not exceeding six months.

Commissioners, on affidavit, may stay executions, &c.

V. AND, whereas many executions have improvidently issued on bonds taken under the consolidating act, and are or ought to be stayed without any expence to the debtors, BE IT ENACTED, That no fees shall be demandable on any execution improvidently issued; and if any hath been received, the same shall be returned.

No fees demandable, &c.

VI. AND BE IT ENACTED, That the attorney-general shall not charge, or be entitled to, any greater fee than fifteen shillings current money for any execution or executions issued and returned served, made or satisfied, on any one bond.

Attorney-general's fee.

VII. AND BE IT ENACTED, That where any lands have been sold by the commissioners for confiscated property, or by the late intendant, which lands, or any improvements thereon erected at the time of purchase, are or may hereafter be legally taken away from the purchaser, or any part thereof, so as to render the same of much less value, and by which the purchaser will receive great injury, and render the remainder thereof of little value, the chancellor, after hearing the case, and upon a view of all circumstances, may and shall make such decree therein as equity and justice may require.

Where lands are taken away the chancellor may decree, &c.

C H A P. XLV.

An ACT to direct descents. Lib. TBH. No. B. fol. 161.

Passed 20th of Jan. 1787.

Supplementary and other acts 1797, ch. 114; 1799, ch. 49.

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

Preamble.

II. 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 and 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

How lands shall descend, &c.