

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.

III. 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.

IV. 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.

Persons purchasing to be entitled, &c.

V. 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 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, title, interest and estate, of the person or persons having the legal estate in the land sold, and made defendant or defendants as aforesaid; and the purchaser or purchasers shall thereupon 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.

Creditors may pray a subpoena, &c.

VI. AND BE IT ENACTED, That if any patent shall hereafter issue to any person or persons for lands which have escheated or shall escheat to this state, and the person whose title to the said lands became escheatable died, or shall die, leaving debts unpaid which were contracted within this state, or with any of the citizens thereof, it shall and may be lawful for such creditor or creditors to file his, her or their bill in chancery against the state of Maryland, in which it shall be sufficient to state the nature of his, her or their claim or demand, in like manner as if the said suit was brought against the original debtor, and upon his, her or their serving a subpoena on the attorney-general, and establishing the said claim according to the usual course of the court in other cases, such creditor or creditors shall be entitled to recover of the state his, her or their said debt, if the money received by the state for such escheat title shall have been equal to the same, and in case said sum received by

If patent shall issue, &c. creditor may file his bill, &c.