

C H A P.
LX.

the state shall be short of the said debt or debts, then such creditor or creditors shall recover so much thereof against the state as may or shall have been received for such escheat title, so granted as aforesaid; and in all such cases the chancellor shall cause notice to be given, in such manner as he shall think proper, to the creditor or creditors of the said deceased person, to make known their respective claims, and lodge the same with the register of his said court, and substantiate their respective demands in such manner as he shall direct; and in case there shall be more than one creditor who shall bring suit as aforesaid against the state, or upon such notice shall produce and substantiate his, her or their claim to the satisfaction of the chancellor, and if the money received by the state for the sale of such escheat title shall not be sufficient to pay and satisfy the whole of such creditors, then and in such case it shall and may be lawful for the chancellor to apportion the same among all such creditors, according to the amount of their respective claims.

Purchasers to
hold the same
rights, &c.

VII. AND BE IT ENACTED, That where any sale or sales of such equitable titles have been made by virtue of any writ of *feri facias*, or decree of the chancellor of this state, the purchaser or purchasers thereof, his, her or their heirs or assigns, shall hold and have the same right and title there-to as if the said purchase had been made under and in virtue of the provisions of this act.

Chancellor may
order a partiti-
on, &c.

VIII. AND BE IT ENACTED, That in case any infant, idiot, or person *non compos mentis*, hath, or shall hereafter have, a joint interest, or interest in common with any other person or persons in equal or unequal proportions, in any lands, tenements or hereditaments, and it shall appear to the chancellor, upon application of any of the parties concerned, and upon the appearance of the infant, by guardian to be appointed by the chancellor for that purpose, and for the purpose of answering and defending on the part of such infant, and upon the appearance of such idiot, or person *non compos mentis*, by the trustee, or trustees or committee, of such idiot, or person *non compos mentis*, to be appointed by the chancellor, on behalf of such person for the purposes aforesaid, and upon hearing and examining all circumstances, that it will be for the interest and advantage of all parties concerned to make partition of such lands, tenements or hereditaments, or any part thereof, the chancellor may order and decree partition to be made of such lands, tenements or hereditaments, or any part thereof, in the same manner, and under the same regulations, as if all parties were of full age, or of sound mind and discretion; and all acts and deeds of conveyance done and executed by such guardian, trustee or committee, in pursuance of the order or decree of the chancellor, shall be good and effectual, and they are hereby severally authorized and empowered to do and execute, on behalf of such infant, idiot, or person *non compos mentis*, all acts and deeds whatever that may be adjudged necessary by the chancellor to render effectual and complete the partition aforesaid, as fully as if all the parties were of full age, or of sound mind and discretion.

May decree a
foreclosure, &c.

IX. AND BE IT ENACTED, That in all cases where any mortgagor or mortgagors of any lands or tenements within this state, shall have removed to places unknown out of this state, and it cannot be ascertained whether such mortgagor or mortgagors is or are dead or alive, and if dead, who are the legal representatives of such person or persons, or whether they have left any, it shall and may be lawful for the chancellor in such cases, upon satisfactory testimony thereof by affidavit of the complainant, and other evidence, to decree upon giving such public notice as he shall deem necessary, a foreclosure of such mortgage, or sale of the mortgaged premises, and conveyance thereof, as in other cases where the party appears, and such decree passed in the said court.

And a sale of
equitable in-
terest, &c.

X. 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.

Passed 26th of
Dec. 1794.

C H A P. LXI.

An ACT to lay a further tax on Cæcil county for the support of the poor of said county. Lib. JG:
No. 2. sgl. 247.

This act was to continue for three years, and until the end of the next session of assembly that should happen thereafter. Ex-
pired. Another act passed 1796, ch. 5.

C H A P.