

same manner as if the said person had originally appeared before him.

* By 1817, ch. 133, limited to not less than three months.

By 1799, ch. 79, sec. 9, if any defendant shall appear in court, either in person or by solicitor, he shall put in a good and sufficient answer to each interrogatory contained in the bill, or a plea or a demurrer to the same, on or before the fourth day of the term succeeding such appearance, he shall otherwise be liable to be proceeded against, if a resident of the state, as if he had been duly summoned, &c. and if he be a non-resident, either the bill shall be taken pro confesso, or, at the discretion of the chancellor, a commission shall issue, &c.

These provisions have been modified by 1820, ch. 161.

And on application, decree a sale, &c.

SEC. 2. *And be it enacted*, That the chancellor shall have power and authority, on application already made, or hereafter to be made, by bill or petition, and after summoning and hearing the person or persons proper to be made defendant or defendants, or after such proceedings against him, her or them, as would entitle the complainant or complainants to a decree in other cases, to decree the sale of any equitable title or claim to land, in any case in which he might on application decree the sale of a legal complete title, and the purchaser or purchasers of such equitable title from a trustee or trustees, to be appointed in the same manner, and on the same terms, as other trustees for sale of land are appointed, shall, in consequence of such purchase, and a conveyance to be made by the said trustee or trustees, stand in the place of the person or persons in whom was the said equitable title at the time of the decree, and shall be entitled to such remedy against any party or parties as the said person or persons might have had.

Creditor may pray a subpoena, &c.

SEC. 3. *And be it enacted*, That any creditor or creditors, who have made or shall make application to the chancellor by bill or petition, for the sale of any land which hath descended or been devised to an infant or infants, for the payment of the debts of the ancestor or devisor, who had only an equitable interest or title in the said land, may pray and obtain a subpoena against the person or persons having the legal title to the said land, in case such person or persons be resident of the state, or give such notice of the bill or petition as the chancellor shall direct, in case such person or persons be not resident of the state; and on summoning and hearing of all parties concerned, or on such proceedings against the defendant as are proper to entitle the complainant or complainants to a decree in other cases, the chancellor shall have power to decree, as shall appear to him just to all parties; and if it shall appear to him, that no money is due for the land from the person or persons who had the equitable claim or title aforesaid to the person or persons having the legal title, he shall decree a sale of the whole interest, estate and title, of all parties to the land aforesaid, and direct the