

C H A P.

LX.

Purchasers to hold same right, &amp;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 *fieri 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 thereto as if the said purchase had been made under and in virtue of the provisions of this act.

Chancellor, in certain cases, may order a partition, &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 passes in the said court.

And decree a sale of equitable interest, &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.

C H A P. LXI.

Passed December 26.

An ACT to lay a further tax on Cæcil county for the support of the poor of said county.

Preamble.

**W**HEREAS it is represented by the trustees of the poor of Cæcil county to this general assembly, that the sum of four hundred pounds, heretofore levied for the use of the poor of said county, is insufficient for their maintenance and support, and that a further sum of two hundred pounds *per annum* is absolutely necessary for the support of said poor;