

before the first day of February next, or shall die, the governor and the council are hereby authorized and requested to appoint a fit and proper person in his place, who shall have and execute all the authorities and powers vested in the said Randolph Brandt Latimer by this act, such person first giving security and taking the oath aforesaid.

C H A P.
LXXXVII.

C H A P. LXXXVIII.

An ACT relative to the proceedings in the court of chancery and in the land-office. 1785 C. 72. 1796 C. 6 1797 C. 114.

Passed December 24.

BE it enacted, by the General Assembly of Maryland, That in any case whatever, where a bill shall be filed in the court of chancery against any person or persons not residing within the state, the chancellor may direct such notice of the said bill, and of the object thereof, by advertisement in newspapers, or otherwise, as to him shall seem proper, warning the defendant or defendants to appear in the said court in person, or by a solicitor, on or before some day to be fixed, not less than four months distant from the time of the first advertisement, or other notice, to shew cause why a decree should not be passed as prayed by the bill; and in case the defendant or defendants shall not so appear within the time limited, either the bill, at the discretion of the chancellor, may be taken *pro confesso*, and he shall proceed to decree in the same manner as if the defendant or defendants had admitted, by answer, the facts stated in the bill, or a commission shall, on application of the complainant or complainants, be issued for taking depositions on his or their part, and on return of the said commission, the chancellor may proceed to decree according to the facts proved, and the established principles and practice in equity; provided nevertheless, that if the said defendant or defendants shall appear to the bill in person, or by a solicitor, at any time before a decree shall be passed, there shall in all respects be the same proceedings before a decree, as if the defendant or defendants had appeared regularly on the return of a subpoena; and provided also, that if any person, against whom a decree shall be made in virtue of this act, his or her heir or heirs, devisee or representative, shall appear in the chancery court at any time within eighteen calendar months from the date of the decree, and require a review of the same, the chancellor, upon a bill filed by such person, his heir or heirs, devisee or representative, shall proceed to an examination of the matters in dispute, and to a final decree, in the same manner as if the said person had originally appeared before him.

In certain cases chancellor may direct notice, &c.

II. 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 the 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.

And on application decree a sale, &c.

III. 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 deviser, 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

Creditor may pray a subpoena, &c.