

prescribed as to the other heirs in that section mentioned, and to have the like effect and operation.

AND WHEREAS, in case of the death of trustees of real estate, vested in them in fee, much expense, and trouble, and delay, are incurred in causes in equity, by the obligation now supposed to exist, of making numerous heirs of such trustees, parties to such causes; therefore,

Case of death of trustee of real estate.

SEC. 11. *Be it enacted*, That where a trustee in fee tail, or fee simple, of any lands, tenements or hereditaments, who shall be seized of the naked legal estate therein, without having or being entitled to any beneficial interest or estate whatsoever, in said lands, tenements and hereditaments, shall die, the said legal estate shall be deemed and taken to have descended to such person or persons as would have been the heir or heirs of such trustee, if the act entitled, an act to direct descents, passed at November session, of the year seventeen hundred and eighty-six, chapter forty-four; and the act entitled, an act to amend and reduce into one system, the laws to direct descents, passed at December session, in the year eighteen hundred and twenty, chapter one hundred and ninety-one, had not been passed.

Descent of legal estate directed.

SEC. 12. *And be it enacted*, That the court of chancery, or county courts, sitting as courts of equity, shall have full power, on application and proceeding, in behalf of any infant or infants in manner as is prescribed by the acts of December session, eighteen hundred and sixteen, chapter one hundred and fifty-four, and of December session, eighteen hundred and eighteen, chapter one hundred and thirty-three, and of December session, eighteen hundred and eighteen, chapter one hundred and ninety-three, to order and decree the conveyance by way of mortgage of the interest or estate or term of years of any infant or infants in or of any lands, tenements or hereditaments, in such form, and under such regulations and provisions as the said court or courts shall direct, in all cases where it shall appear for the advantage of such infant or infants, to procure moneys by such mortgage, for the benefit of such real property or estate of said infants, or to improve the same, or to relieve it from or to effect the payment of any charges, or incumbrances, or impositions or otherwise, for the benefit of such infant or infants.

Courts authorized to decree mortgage of property of infants, &c.

SEC. 13. *And be it enacted*, That in all cases under this act, where all or any of the parties, defendants, shall be non-residents, the provisions hereof shall apply, and in regard to such defendants non-residents, whether minors or of full age, the said court of chancery, or county courts shall proceed as in any case of defendant residing out of the state is now authorized by law, the said court, ordering notice by publication of the substance

Case of defendants being non-residents.