

securities until his order shall be fully complied with, and contempts cleared.

By 1794, ch. 60, when a mortgagor has removed, and his situation cannot be ascertained, or that of his representatives, the chancellor, on evidence thereof, may decree a foreclosure or sale, on giving such public notice as he shall deem necessary.

And appoint
a trustee to
sell, &c.

SEC. 4. *And be it enacted*, That if any person hath died, or shall die, leaving real or personal estate to be sold for the payment of debts, or other purposes, and shall not, by will or other instrument in writing, appoint a person or persons to sell or convey the same property, or if the person or persons appointed for the purpose aforesaid shall neglect or refuse to execute such trust, or if such person or persons, or any of them, shall die before the execution of such trust, so that the sale cannot be made for the purposes intended, in every such case the chancellor shall have full power and authority, upon application or petition from any person or persons interested in the sale of such property, to appoint such trustee or trustees for the purpose of selling and conveying such property, and applying the money arising from the sale to the purposes intended, as the chancellor shall, in his discretion, think proper.

Chancellor
in certain
cases may
order a sale
of real
estate, &c.

SEC. 5. *And be it enacted*, That if any person hath died, or shall hereafter die, without leaving personal estate sufficient to discharge the debts by him or her due, and shall leave real estate which descends to a minor, or person being idiot, lunatic, or non compos mentis, or who shall afterwards become non compos mentis, or shall devise real estate to a minor, or person being idiot, lunatic, or non compos mentis, or who shall afterwards become non compos mentis, the chancellor shall have full power and authority, upon application of any creditor of such deceased person, after summoning such minor, and his appearance by guardian, to be appointed as aforesaid and hearing as aforesaid, or after summoning the person being idiot, lunatic, or non compos mentis, and his appearance by trustee, trustees or committee, to be appointed as aforesaid, and hearing as aforesaid, and the justice of the claim of such creditor is fully established, if, upon consideration of all circumstances, it shall appear to the chancellor to be just and proper that such debts should be paid by a sale of such real estate, to order the whole or part of the real estate, so descending or devised, to be sold for the payment of the debts due by the deceased.

By 1789, ch. 46, the chancellor shall have the same power to direct the sale of lands in this state belonging to minors, residents of any other state. Such notice to be given as the chancellor may direct. And by 1790, ch. 38, the chancellor may direct the sale of all lands and real property in this state, or any remainder or reversion thereon dependent belonging to minors, residents out of the state and the United States, for payment of debts due