

executor or administrator, as the case may require, and being satisfied that the party claiming under such deed has a fair and equitable claim to the premises therein mentioned, to order and decree that such deed shall be recorded; and when such deed is recorded, it shall, in pursuance of such decree, be taken and considered in all courts of law and equity against the party making such deed, his heirs, devisees, executors and administrators, in the same state, and to have the same effects and consequences, to all intents and purposes, as if such deed had been recorded within the time prescribed by law, but such deed shall not destroy, or in any manner affect, the title of any purchaser of the same thing or premises in case of a purchase made after the date of the deed aforesaid, and without notice of such deed by the person making such after purchase, whether such purchase be by contract or by deed recorded agreeably to law, nor shall such deed, though recorded as aforesaid, in any manner affect the creditors of the party making such deed, who may trust such party after the date of the said deed.

By 1791, ch. 79, a similar power is given to the chancellor, where the person executing such deed, his devisee or representatives, may be non-residents of this state, without the appearance or hearing of the defendant, on notice being given as the chancellor may direct.

By 1792, ch. 41, the chancellor may decree the recording of such deed, without the appearance or hearing of the defendant, on such notice being given as he may direct. A provision is also made for a rehearing.

By 1831, ch. 304, deeds may be recorded notwithstanding they shall not have been recorded within six months after acknowledgment.

Infants, &c.
having joint
interests in
lands, &c.
such lands
may be sold
&c.

SEC. 12. *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 appearance of the infant, idiot, or person non compos mentis, as aforesaid, and hearing and examination of all the circumstances, that it will be for the interest and advantage both of the infant, idiot, or person non compos mentis, and of the other person or persons concerned, to sell such lands, tenements or hereditaments, or any part thereof, the chancellor may order and direct such lands, tenements or hereditaments, or any part thereof, to be sold, upon such terms as the chancellor shall direct, always taking care that a just proportion of the money arising from such sale be well and sufficiently secured to be paid to such infant, idiot, or person non compos mentis; and if any contract hath been made for any lands, tenements or hereditaments, held as aforesaid, for or on behalf of any infant, idiot, or person non compos mentis, which the chancellor, upon