

APPENDIX.—CHANCERY LAWS.

assurance, of the full age of twenty-one years(a;) and the conveyance or assurance, so to be had and made as aforesaid, in the case of persons being idiot, lunatic, or *non compos mentis*, shall, in like manner, be as good and effectual as if the said person or persons was or were, at the time of making such conveyance or assurance, of sound mind, memory and understanding, and had by him, her or themselves, executed the same; and all and every such infant or infants, or persons being idiot, lunatic, or *non compos mentis*, being trustee or trustees, mortgagee or mortgagees, or being seized or possessed of lands, tenements or hereditaments, liable or subject in any manner aforesaid, or the committee or committees of all and every such persons, being idiot, lunatic, or *non compos mentis*, shall and may be compelled, by such order as aforesaid, to make such conveyance or conveyances, assurance or assurances, in like manner as persons of full age and of sane memory are compellable to make(b.)

(a) By October 1778, ch. 22, such infants shall be bound by conveyances made by guardians, in pursuance of the order and direction of the court of chancery, and conveyances which had been so made are declared to be valid and effectual.

(b) By 1791, ch. 79, on application by any representative of a person deceased, who shall have contracted for the sale and conveyance of lands, &c. and not performed the same, and shall have devised or left them to descend to persons under age, &c. if the said representatives are immediately interested in having a specific performance, the chancellor may decree the same as in other cases by this act.

Proviso

2. PROVIDED ALWAYS, That no order or direction as aforesaid shall be made or given in virtue of this act, in the case of any infant or infants seized or possessed of any lands, tenements or hereditaments, charged with or subject to the payment of money or tobacco, unless it shall appear, that the guardian or guardians of such infant or infants hath or have consented therunto, and also that such infant or infants will not sustain any detriment, disadvantage or inconvenience, from such order or direction; and also, that upon every order or direction for conveyance to be made by an infant or infants, for the specific performance and execution of any such agreement as aforesaid, liberty shall be reserved for the said infant or infants to shew cause, within six months after he, she or they, shall have attained the full age of twenty-one years. if such infant or infants shall attain such full age, and also for the heirs of such infant or infants, if such infant or infants shall not so long live, in six months after the decease of such infant or infants, if the said heirs shall then be of full age, and if such heirs shall not then be of full age, in six months after such heirs shall have attained his, her or their full age, why such conveyance ought not to have been ordered or directed, and on sufficient cause being shewn as aforesaid, the infant or infants aforesaid, or his or their heirs, shall be entitled to and have a reconveyance, by order or decree of the said court, of the said lands, tenements or hereditaments, by whomsoever claimed or possessed, by, from or under the conveyance made by such infant or infants aforesaid, and also a full account of the rents and profits thereof, of and from the person who shall have received the same.

3. AND BE IT FURTHER ENACTED, by the authority aforesaid, That if any suit, which shall be commenced in the court of chancery, any defendant or defendants, against whom any subpoena or other process shall issue, shall not cause his, her or their appear-

Court, in certain cases, may direct a performance, &c.