

CHAP. 72. 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. (b)

By 1799, ch. 79, section 4, in bills filed against infants out of the state, there shall be the same proceedings as if the infants were of age, subject to revision in the manner therein prescribed.

By 1785, ch. 78, on a person's dying seized of lands, &c. in this state, liable to be escheated, such lands, &c. may be decreed to be sold for the payment of his debts, if he has not left personal property sufficient.

By 1794, ch. 60, real estates, devised or descending to nonresidents, may be decreed to be sold for the payment of debts. Likewise the real estates, or equitable interest therein, of persons dying without any known heirs or devisees; and provision is thereby made for obtaining the legal title. By 1797, ch. 114, on a bill being filed against the heirs of a person deceased, and the person appearing who would have been heir if the act of 1786 to direct descents had not passed, the chancellor may order notice to be given, (by publication,) to the other heirs, and may thereupon proceed in the suit, reserving to such heir the liberty of appearing, &c. within a limited time.

By 1793, ch. 88, s. 2, the chancellor may decree the sale of any equitable title or claim to land in any case in which he might decree the sale of a legal title; and by section 3 he may decree the equitable interest or title in land devised or descending to infants, for the payment of the debts of the ancestor, &c. See 1816, ch. 154, and 1818, ch. 193, s. 7.

By 1818, ch. 193, s. 2, the provisions of the above section, in relation to the sales of real estate, is extended to defendants of full age.

By 1818, ch. 193, s. 8, a sale of the real estate may be decreed in the discretion of the court in order to save the personal estate, with the consent of all parties, &c.

(b) See section 9 of this act as to selling on credit

May direct the affairs of persons lunatic &c.

6. AND BE IT ENACTED, That the chancellor shall have full power and authority in all cases to superintend, direct and govern, the affairs and concerns of persons who are or may be lunatics or idiots, both as to the care of their persons and management of their estates, and may appoint a committee, trustee or trustees, for such persons, and may make such orders and decrees respecting their persons and estates as to him may seem proper, and may, upon application of any creditor or creditors of any person who is idiot, lunatic, or *non compos mentis*, and being satisfied of the justice of the claim, and that it will be for the benefit and advantage of the estate of such person being *non compos mentis*, to discharge and pay such claim, and that there is no other means of so doing than by selling part of the estate of such person, appoint a committee, trustee or trustees, for such person being idiot, lunatic, or *non compos mentis*, and may direct such committee, trustee or trustees, to sell so much of the personal property of such person as may be necessary to discharge the debts by him or her due, and if the personal property is not sufficient, then so much of the real property of such person being idiot, lunatic, or *non compos mentis*, as will be sufficient for the purpose aforesaid, may be ordered by the chancellor to be sold for such purpose.

By 1790, ch. 60, the chancellor may direct the sale of any personal property belonging to an idiot, &c. whose person and estate may be committed to a trustee, if it shall appear beneficial to convert the said property into money and place it on interest. And by 1819, ch. 144, s. 1, the money may be loaned out on real, or other security, if for the interest of the parties.