

advantage both of the infant(c,) 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* (d); 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 hearing as aforesaid, and examination into all the circumstances, shall think for the interest and advantage both of such infant, idiot, or person *non compos mentis*, and of the other person or persons interested therein, to be confirmed, the chancellor may confirm such contract, and order a deed to be executed according to the contract; and all sales and deeds made in pursuance of and agreeably to an order of the chancellor, in consequence of the above power, shall be good and sufficient in law to transfer the estate and interest of such infant; idiot, or person *non compos mentis*, in such lands, tenements or hereditaments, according to the true intent and meaning of such deeds respectively; and in all cases of deeds executed in consequence of the above power, the deed shall be executed and acknowledged by such person or persons as the chancellor shall appoint for this purpose.

(c) See 1799, ch. 79, s. 4, as to infants out of the state; and see 1816, ch. 154, as to the sales of the real estate of minors.

(d) See 1819, ch. 144, s. 1, respecting the loaning out the money on real security, &c.

By 1794, ch. 60, provision is made for decreeing a partition of lands held by infants, idiots, &c. jointly with other persons; and by 1797, ch. 114, it is extended to infants residing out of the state, on their answer being taken by commissioners, to be appointed by the chancellor.

13. AND BE IT ENACTED, That in all cases where a decree of the chancellor shall be made for a conveyance, release or acquittance, and the party against whom such decree shall pass shall neglect or refuse to comply therewith, such decree shall stand, be considered and taken, in all courts of law and equity, to have the same operation and effect as if the conveyance, release or acquittance, had been executed conformably to such decree.

Decree shall stand, &c.

By April, 1787, ch. 30, in suits brought against nonresidents, to compel a conveyance of lands, &c. in this state, the chancellor may decree, without appearance, on notice, &c. being given personally, or in the public papers of the state, where the defendant resides; a provision is also made for a rehearing.

By 1792, ch. 41, (for giving relief where such party's residence is unknown,) the chancellor may decree in like manner, on notice being given in newspapers, or otherwise, as he may direct. A provision is also made for a rehearing.

By 1804, ch. 107, on bills to compel a specific performance against nonresidents, when it cannot be ascertained whether they are living, or if dead, who are their legal representatives, if any, the chancellor may take the bill *pro confesso*, or issue a commission *ex parte*, and decree accordingly. A provision is made for a review, &c.

Parties shall have a right to be present, &c.

14. AND BE IT ENACTED, That the parties, and their attorneys or agents, shall have a right to be present at the execution of all commissions hereafter to be issued from the court of chancery for examining witnesses and taking evidence, and the interrogatories of the respective parties shall be read by the commissioners, so that they may be heard by the parties, their attorneys or agents, respec-