

CHAP. 79.

tives, reside out of this state, unless on the appearance of the defendant, which cannot be obtained;

Where deeds are not recorded, party may file his bill &c

2. **BE IT ENACTED**, by the General Assembly of Maryland, That in case any deed hath been or shall hereafter be executed, to the validity of which recording is necessary, and such deed hath not or shall not be recorded agreeably to law, without any fraudulent design or intention of the party claiming under the same, and the person who hath executed or shall execute such deed, his devisee or representatives, are or may be nonresidents of this state, it shall and may be lawful for the party claiming under such deed to file his bill or petition in chancery, praying the order and decree of the said court for recording such deed, and the chancellor thereupon, without the appearance of or hearing the defendant or defendants, shall have the same power and authority to order and decree the recording of such deed, as he hath in the cases mentioned in the *twelfth*(a) section of the act to which this is a supplement; provided, that the complainant or petitioner shall give such notice of his application in news-papers, or otherwise, as the chancellor shall direct.

(a) See note (a) to the 11th section of the act of 1785, ch. 72.

Deed to have operation, &c

3. **AND BE IT ENACTED**, That every deed, recorded in pursuance of this act, shall have the same operation, effects and consequences, and be liable to the same provisions, as a deed recorded under a decree in virtue of the act to which this is a supplement.

4. **AND**, whereas infants, idiots, lunatics, and persons who are not of sound mind, seized of lands, tenements and hereditaments, may be compelled to convey the same, by decree of the court of chancery, for a specific performance of agreements made by the persons under whom they claim, provided application be made to the chancellor by the parties entitled to a conveyance(b), but there is no legal provision for such a decree, as the circumstances of the case may require, upon application made by the representatives or person interested in the estate of a person who makes a contract for the sale of his lands, **BE IT ENACTED**, That if any person, seized of land, tenement or hereditament, hath made or shall make a contract for the sale and conveyance thereof, and hath died or shall die without performing his part of the agreement, having devised or left the said land, tenement or hereditament, to descend to a person under twenty-one years of age, or to an idiot, lunatic, or person *non compos mentis*, in any such case, the chancellor, on application by bill or petition of any representative of the deceased, interested immediately in having such agreement specifically performed, and on hearing all parties concerned, shall have full power to decree a specific performance, and to direct a conveyance by trustee or guardian, or to decree otherwise, as justice and the established principles of chancery shall require; provided nevertheless, that in the case of an infant, no decree shall be made for a specific performance in virtue of this act, unless it shall appear that the guardian or guardians of the infant have consented thereto, or unless the chancellor shall be satisfied that such infant or infants will not be in any manner injured thereby.

In certain cases chancellor may decree a performance, &c

(b) See November, 1773, ch. 7.