Court will assign him to a committee to appear and defend in his behalf, *and without hindrance or delay to his creditors, do
521 what it can to save his estate for his benefit. *Ex parte Phillips*, 19 *Ves.* 123; *Ex parte Hall*, 4 *Cond. Cha. Rep.* 74; *Shelf. Lun.* 357. It is, however, certain, that the change of condition of a person who has entered into an agreement, by becoming a lunatic, or the death of a debtor and the descent of his estate, which has been incumbered, or is chargeable with the payment of his debts, will not alter the rights of the parties, which will be the same as before; provided they can come at the remedy. *Steele* v. *Alan*, 2 *Bos. & Pul.* 362; *Phillop* v. *Sexton*, 3 *Bos. & Pul.* 550; *Sackvill* v. *Ayleworth*, 1 *Vern.* 105; *Owen* v. *Davies*, 1 *Ves.* 82.

Such was the law of Maryland when, by a British Statute, passed the year 1732, and soon after adopted here, lands in this State were made liable to be taken in execution, and sold for the satisfaction of all debts; 5 Geo. 2, ch. 7; which, however, did not prevent the parol from demurring. *Lechmere* v. *Brasier*, 2 *Jac. & Wal.* 290. After which, it was, by an Act of Assembly, declared that any real estate held by an infant, or person *non compos mentis*, might be sold for the satisfaction of the money with which it was chargeable, upon a bill filed in, and by a decree of the Court of Chancery, with the consent of the guardian of the infant, as therein prescribed. 1773, ch. 7; *Pue* v. *Dorsey*, 1 *Bland*, 139, *note*. And where an action at common law has been brought, in which the title to real estate is involved, which action has abated by the death of either the plaintiff or the defendant, and such title has descended, or been devised to an infant, it is declared that the action shall not be tried during the minority of such infant, unless his guardian or next friend, shall satisfy the Court that it will be for his benefit to have it tried. 1785, ch. 80, s. 2; *James* v. *Boyd*, 1 *H. & G.* 1. By another legislative provision, it is made the duty of heirs and devisees of full age, or upon their arrival at the age of twenty-one, in case of a deficiency of personal assets, to pay the debts of their ancestor or devisor out of the real assets, in the same order and manner in which they would have been paid out of the personalty. 1785, ch. 80, s. 7.

But in equity all the real estate of a deceased debtor, whose personal property is not sufficient to pay his debts, is, by positive legislative enactment, made absolutely liable to be immediately sold for that purpose, without delay, notwithstanding its having descended, or been devised, to an infant, or person *non compos mentis*, and that, too, without requiring, as formerly, a conveyance
522 *from the infant when he comes of age, or allowing him a day to shew cause. The decree, sale, and conveyance by the trustee in pursuance thereof, being made equivalent to a conveyance from such heir or devisee, as of sound mind and full age. *Orchard* v. *Smith*, *ante*, 318; *Brook* v. *Smith*, 6 *Cond. Cha. Rep.* 403; *Kelsall*