

35. If any person seized of any 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, &c. to descend to a person under 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 decree a specific performance, and direct a conveyance by trustee or guardian, or to decree otherwise as justice and the established principles of chancery shall require; provided 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 injured thereby.—1791, c. 79. § 4.

36. In all cases where any person or persons, his or their heirs, devisees or representatives, are bound by contract or agreement, and are non residents of this state, if any bill is filed against such person or persons, his or their heirs, &c. non residents as aforesaid, to compel a specific performance of such contract, &c. the chancellor may, without the appearance of or hearing of the defendant or defendants, proceed to such decree as the justice and equity of the case may require; but the complainant shall give such notice of his or her application, in newspapers or otherwise, as the chancellor shall direct; and every such decree shall have the same operation, as a decree in virtue of the act to which this is a supplement, against persons residing in any of the United States.—Nov. 1792, c. 41. § 2.

37. In case any deed hath been or shall be executed, to the validity of which recording is necessary, and such deed hath not been, or shall not be recorded agreeably to law, without any fraudulent intention of the party claiming under the same, the chancellor, upon petition of the party to whom the said deed was executed, or of his, her or their legal representative, or of any of them claiming the land or other thing conveyed, by such deed, and without the appearance or hearing of the defendant or defendants, shall decree the recording of the said deed, in the county or general court records, within such time from the date of the decree as it ought originally to have been recorded from the date of the deed; and when so recorded, shall have the same effect as if recorded agreeably to the 12th § (See *conveyances* art. 29.) of the act, entitled, an act for enlarging the powers of the high court of chancery, provided, that the petitioner or petitioners shall give such notice of his, her or their application, as the chancellor shall direct.—*ibid.* § 3.

38. If any person, having contracted for the sale of any lands, &c. and not having conveyed the same, hath died, or shall die, without leaving