

erty, to appoint such trustee or trustees for the purpose of selling and conveying such property, and applying the money arising from the sale to the purposes intended, as the chancellor shall, in his discretion, think proper.

C H A P.
LXXII.

V. AND BE IT ENACTED, That if any person hath died, or shall hereafter die, without leaving personal estate sufficient to discharge the debts by him or her due, and shall leave real estate which descends to a minor, or person being idiot, lunatic, or *non compos mentis*, or who shall afterwards become *non compos mentis*, or shall devise real estate to a minor, or person being idiot, lunatic, or *non compos mentis*, or who shall afterwards become *non compos mentis*, the chancellor shall have full power and authority, upon application of any creditor of such deceased person, after summoning such minor, and his appearance by guardian, to be appointed as aforesaid, (a) and hearing as aforesaid, or after summoning the person 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.

Chancellor, in certain cases, may order a sale of real estate, &c.

(a) By 1789, ch. 46, the chancellor shall have the same power to direct the sale of lands in this state belonging to minors, residents of any other state. Such notice to be given as the chancellor may direct. And by 1790, ch. 38, the chancellor may direct the sale of all lands and real property in this state, or any remainder or reversion thereon dependent belonging to minors, residents out of the state and the United States, for payment of debts due from the person from whom they derive such remainder, reversion or real estate; such notice to be given as the chancellor shall think proper.

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 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.

VI. 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.

May direct the affairs of persons lunatic, &c.

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.

By 1797, ch. 114, the chancellor, on the application of a trustee, may direct any lunatic to be sent to some hospital or receptacle in Philadelphia, if he can be received, to remain till further order, and may order him to be brought back, and enforce a compliance with such orders.

VII. AND BE IT ENACTED, That the chancellor shall have full power and authority to appoint a trustee or trustees for the purpose of making any sale by him directed in pursuance of this act.

And appoint a trustee, &c.

By April, 1787, ch. 30, the chancellor may allow to guardians, trustees, &c. a commission from 1 to 7 1-2 per cent. on sales under his order or decree.

VIII. AND BE IT ENACTED, That all sales made by the authority of the chancellor under this act, shall be notified to, and confirmed by, the chancellor, before any conveyance of the property shall be made, and bond, with good and sufficient security, to be approved by the chancellor, shall be given by the person or persons empowered to sell property as aforesaid, for the due execution of the trust committed, which bond shall be lodged with the register in chancery; and any person interested in such sale shall have a right to a copy of such bond, and a certificate from the said register

Sales to be notified, &c.