

C H A P.
LXXII.

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 to direct the affairs of persons lunatic, &c.

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 lunatic 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.

And appoint a trustee, &c.

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.

Sales to be notified and confirmed, &c.

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 under his hand and seal of office, paying ten shillings for the same, upon which copy and certificate an action may be maintained, in the name of the state, for the use of the party interested and apprehending himself aggrieved; and judgment may be by such party recovered upon such action for the damages by him actually sustained, and the plea of non est factum shall not be received to any such action, unless the same is verified by the affidavit of the defendant or defendants tendering the same.

And made on such terms as the chancellor may direct, &c.

IX. **And be it enacted,** That all sales by the direction of the chancellor, under the authority of this act, except in the case where a sale is directed to be made for ready money as aforesaid, shall be made upon such terms and conditions as the chancellor shall determine; and in case any sale shall be made on credit, the chancellor may, upon application of the mortgagee or creditor, direct any bond taken in consequence of such sale, to be assigned to such mortgagee or creditor; and the assignee or assignees respectively, may sue and maintain actions in their names against the obligor or obligors in such bonds.

Trustees to give bond, &c.

X. **And be it enacted,** That in all cases where there hath been, or may hereafter be, an appointment of a trustee or trustees by last will and testament,