

shall be notified to, and confirmed by, the chancellor or county courts as aforesaid, and the purchase money for the same shall be paid, before any conveyance of the property shall be made; and bond with good and sufficient security, to be approved by the chancellor or county courts as aforesaid, 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, or clerk of the county court as aforesaid; and any person interested in such sale shall have a right to a copy of such bond, and a certificate from the said register, or clerk, under his hand and seal of office; 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.

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4. AND BE IT ENACTED, That the chancellor, or the county courts, as aforesaid, shall have full power and authority to allow any trustee, who shall make a sale of any real estate by virtue of this law, such commission from one to seven and an half *per cent.* for his trouble in selling thereof, and paying over the same, as the chancellor or the county courts as aforesaid shall, under a consideration of all circumstances, think just and right.

Allowance to trustees

5. AND BE IT ENACTED, That the proceeds of the sales made by and in virtue of this law, shall be paid over by the trustee or trustees to the guardian or guardians of such infant or infants, to be by such guardian or guardians vested in such public stock, or other permanent funds, as will at least net six *per centum per annum* at the time of the purchase, and as the orphans court of the county, by whom such guardian or guardians shall have been appointed, shall direct.

Proceeds to be vested in public stocks

6. AND BE IT ENACTED, That the surplus interest, after what may be necessary for the maintenance and education of the said infant or infants respectively, as it accrues, shall be vested by such guardian or guardians, in such stock as aforesaid, and as the orphans court shall and may direct as aforesaid.

Surplus to be invested

7. AND BE IT ENACTED, That all monies vested by and in virtue of this law, shall be vested in the name of such infant or infants, and shall be transferrable only by virtue of an order of the orphans court aforesaid, and all transfers without such order are hereby declared void to all intents and purposes.

To be vested in name of infants

8. AND BE IT ENACTED, That no part of the principal arising from the sale of any real estate by virtue of this law, shall in any wise be applied towards the maintenance or education of any infant, unless the chancellor or the county court, as the case may be, shall consider it necessary for the education or maintenance of the minors.

Principal not to be applied to education of infants, unless considered necessary

9. AND BE IT ENACTED, That in case of the death of any such infant or infants before their arrival at lawful age, or his, her or their death without lawful issue, the proceeds of the said sale, or the said stock, shall be considered as real estate, and as such shall descend to those heirs or representatives who would be entitled to

How property is to descend in case of infant's death