

CHAP. 154.

tenements, hereditaments or real estate, whatsoever(a), it shall and may be lawful for the chancellor, or for the several county courts within this state, as a court of equity, upon the petition of the guardian or *prochein ami*(b), of such infant or infants, after summoning such infant or infants, and his appearance by guardian to be appointed by the chancellor, or the county courts as aforesaid, and upon the hearing and examination of all circumstances, and upon its appearing to the said chancellor, or the county courts as aforesaid, that it will be for the interest and advantage of such infant or infants to sell such lands, tenements, hereditaments or real estate, or any part thereof, to order and direct such lands, tenements or hereditaments, or any part thereof, to be sold upon such terms as the chancellor or the county courts as aforesaid may direct.

(a) By 1818, ch. 193, s. 7, the provisions of this act are extended to equitable titles to real estates; and by 1819, ch. 144, s. 2, the provisions of this act are also extended to the personal estate of minors.

(b) By 1818, ch. 133, s. 2, upon such petition the court to issue a commission to not less than three disinterested freeholders, to view and ascertain the real value of the land, and to determine whether it would be to the interest and advantage of the infant or infants that such land should be sold, &c. See 1818, ch. 193, s. 12, as to lands descending to minors residing out of the state, &c.

To appoint trustees

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

Sales to be confirmed—Trustees to bond

3. AND BE IT ENACTED, That all sales made by the authority of the chancellor or county courts as aforesaid, under this act, 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.

Allowance to trustees

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.

Proceeds to be vested in public stock

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