

time of passing the said act, was not *bona fide* the property of some citizen of this state or of the United States, or that the proprietor of such certificate is not justly and equitably entitled to a grant for the same; in such case he shall endorse on the said certificate his order or decree that the said certificate is void; and the intendant, or any other person who shall be authorized to draw on the treasury, shall give the proprietor of such a certificate, an order on the treasury of the Western Shore, for the caution or composition money which hath been paid for such certificate, which shall be discharged out of any unappropriated money, and retained by the treasurer as a voucher.—1785, c. 68, § 2.

9. Where any person or persons, under the age of 21 years, or being idiot, lunatic, or non compos mentis, are, or shall be possessed of any lands, tenements, hereditaments or real estate whatsoever, which are, or shall be, and stand mortgaged for the payment of money or tobacco, or for securing the payment of any debt, and the day of payment in such mortgage is elapsed, the chancellor upon the petition of the mortgagee or mortgagees, or any person claiming under the mortgage, after summoning the infant, and his appearance by guardian, to be appointed by the chancellor for that purpose, and to answer and defend on the part of such infant, or after the appearance of such person, being idiot, lunatic or non compos mentis, by the trustee or trustees, or committee of such person being idiot, &c. to be appointed by the chancellor on behalf of such person, for the purposes aforesaid, and hearing all parties, and being well satisfied of the execution of the mortgage, and that the sum claimed is justly due, may order and decree a sale of such mortgaged premises, or such part thereof as may be necessary to discharge such mortgage, or he may decree a foreclosure of the whole or such part thereof as may be necessary to discharge the debt or debts due upon and secured by such mortgage, in such manner as he shall judge most proper; but if a part only is foreclosed, and such part shall be esteemed insufficient to pay the money secured by such mortgage, then a sale thereof shall be made in such manner as he shall direct, and the money raised by such sale, or so much thereof as is necessary, shall be applied to discharge the debt secured by such mortgage; and if money sufficient to pay the debt secured by the mortgage is not raised by a sale of the part foreclosed and sold, then he may decree a sale of such other part of the mortgaged premises as will be sufficient for that purpose.—*ibid.* c. 72, § 1.

10. In all cases where a foreclosure of any mortgage, or sale of any land, shall be applied for, in which any infant shall be interested, the person or persons applying therefor before any decree of foreclosure or sale is made, shall give bond with good security approved by the chancellor, to the infant, his heirs, executors and administrators, in such penalty as he shall direct, with condition, that in case the infant, within one year after arrival to age, shall make appear, to the satisfaction of the chancellor, that there was fraud in obtaining the mortgage deed, or that no deed was really executed, or that the debt claimed, or so much as decreed to be