

be paid was not really due, that then the obligor, his heirs, executors or administrators, will reconvey the mortgaged premises to the infant, in case of decree for foreclosure, or in case of sale, to pay to the infant either the whole or such part of the money raised by such sale as the chancellor shall determine to be just, and also stand to, and abide by, such order and decree as he shall make in the cause; which bond shall be filed by the register in chancery, and recorded with the decree in the case, and suit may be maintained either upon the original or a copy of the register by the infant, his heirs, &c. upon breach of the condition, and in such suit the plea of *non est factum* shall not be received unless verified by the affidavit of the defendant or defendants.—*ibid.* § 2.

11. In all cases of application to the chancellor to foreclose any mortgage, he may, in case the party against whom the bill shall be filed does not pay the sum due upon the mortgage by the time limited in the decree for paying the same, order and direct that the mortgaged premises, or so much thereof as may be necessary to discharge the money due and costs, be sold for ready money, (unless the plaintiff shall consent to a sale on credit) by a proper person to be appointed by the chancellor, and order that the money raised by such sale be brought into court to be paid to the plaintiff; and the person empowered to make such sale, shall give bond and security for the execution of the trust, and compliance with the order of the chancellor, and upon failure to execute such trust, the party grieved may bring suit on such bond, or a copy thereof, against principal and security, and shall recover the money for which the premises shall have sold, and the plea of *non est factum* shall not be received unless verified as aforesaid; and the chancellor may also issue attachment of contempt against the person empowered to sell, and his security, and may thereupon commit both principal and securities until his order shall be fully complied with, and contempts cleared.—*ibid.* § 3.

12. If any person hath, or shall die, leaving real or personal estate to be sold for the payment of debts, or other purposes, and shall not by will or other writing, appoint a person or persons to sell or convey the same property, or if the person or persons appointed, shall neglect to execute such trust, or shall die before the execution thereof, so that the sale cannot be made for the purposes intended, in every such case the chancellor, upon application or petition from any person or persons interested in the sale of such property, may appoint such trustee or trustees for the purpose of selling and conveying such property, and applying the money arising therefrom, as he shall in his discretion think proper.—*ibid.* § 4.

13. If any person hath died, or shall hereafter die, without leaving personal estate sufficient to discharge the debts by him or her due, & 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