

shall devise real estate to a minor, or person being idiot, &c. or who shall afterwards become non compos mentis, the chancellor may, upon application of any creditor of such deceased person, after summoning such minor, & his appearance by guardian; to be appointed, and hearing as aforesaid; or after summoning the person being idiot, &c. and his appearance by trustee, trustees, or committee, to be appointed, 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; 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.—*ibid.* § 5.

14. The chancellor shall in all cases, 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, &c. 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, &c. and may direct such committee, &c. 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, &c. as will be sufficient for the purpose aforesaid, may be ordered by the chancellor to be sold for such purpose.—*ibid.* § 6.

15. The chancellor shall have power to appoint a trustee or trustees for the purpose of making any sale by him directed in pursuance of this act.—*ibid.* § 7.

16. All sales made by the authority of the chancellor, under this act, shall be notified to, and confirmed by him before any conveyance shall be made, and bond, with good and sufficient security, to be approved by him, shall be given by the person or persons empowered to sell property, 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 10s. 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