

sum shall not be received to any such action, unless the same is verified by the affidavit of the defendant or defendants tendering the same.—

*ibid.* § 8.

17. All sales by the direction of the chancellor, under the authority of this act, except in the case where a sale is directed to be made for ready money, shall be made upon such terms and condition as the chancellor shall determine; and in case any sale shall be made on credit, he may, upon application of the mortgagee or creditor, direct any bond taken in consequence of such sale, to be assigned to such mortgagee, &c. and the assignee or assignees respectively, may sue and maintain actions in their names against the obligor or obligors in such bonds.—*ibid.*

§ 9.

18. In all cases where there hath been, or may be, an appointment of a trustee or trustees by last will and testament to execute any trust, and any person interested in the execution of such trust, shall make appear to the chancellor, that it is necessary for the safety of those interested in the execution of such trust, that the trustee or trustees should give bond and security for the due execution of the trust, the chancellor may order and direct that such bond be given by the trustee or trustees, on or before the day by him to be appointed; and if bond, with such security as may be approved by him, shall not be given by such trustee or trustees, agreeably to such order, then he may displace such trustee or trustees, and appoint one or more in his or their stead, who shall give bond and security, to be approved by him, for the due execution of the trust; and all bonds taken in virtue of this power shall be made payable to the state, and shall be filed and kept by the register in chancery, and also by him recorded; and upon any breach of the condition, suit may be brought by any person interested, either upon the original bond or a copy of the record, and the plea of non est factum shall not be received in such suit, unless it be verified by affidavit of the defendant or defendants.—*ibid.*

§ 10.

19. For the power of the chancellor in ordering deeds not recorded within the time limited by law, to be recorded.—See *conveyances*, art. 29.

20. In case any infant, idiot, or person non compos mentis, hath, or shall hereafter have a joint interest, or interest in common with any other person or persons, in equal or unequal proportions, in any lands, &c. and it shall appear to the chancellor, upon application of any of the parties concerned, and upon appearance of the idiot, &c. and hearing and examination of all the circumstances, that it will be for the advantage both of the infant, &c. and of the person or persons concerned, to sell such lands, &c. or any part thereof the chancellor may order and direct such lands, &c. or any part thereof, to be sold upon such terms as the

chancellor