

That in all cases whatever, where the chancellor is authorized to decree without the appearance of the defendant or defendants, it shall be at the discretion of the chancellor, either to take the bill pro confesso, or direct a commission for taking depositions ex parte, as by law is directed in certain cases where the defendants are non-residents.

A commission may issue to one person, &c.

SEC. 6. *And be it enacted*, That hereafter, with the consent of the party or parties in court, and with the approbation of the chancellor, a commission for any purpose whatever, which may lawfully issue from the chancery court in any cause there depending, or hereafter to be instituted, may be directed to one person only, or to three persons, with power to any two, and the person or persons to whom it shall be directed shall have the same authority as has heretofore been reposed in any greater number.

See notes to the original act, ante page 208.

In case of escheat land, suit may be brought, &c.

SEC. 7. *And be it enacted*, That in all cases where land has escheated, or shall escheat, to the state, or hath or shall become the property of the state, from the purchase thereof by an alien, or hath been confiscated as the property of a British subject, any person having any claim to the said land, or any part thereof, or having a lien or charge upon the same, or a title in equity, may bring a suit against the state in any court of law or equity, as the case may require, in the same manner as it might have been brought against the person from whom it hath devolved on the state; and if any such suit be brought in the chancery court, the attorney-general shall be the defendant in behalf of the state, between whom and the complainant or complainants there shall be such proceedings as might have been between the said complainant or complainants and the person whose title hath devolved on the state; provided, that in no case shall the state be burthened with costs, or otherwise in consequence of having the said title.

By 1805, ch. 93, the chancellor is empowered to decree on bills filed, in all cases where a citizen shall have purchased any land in this state, the legal title to which is in a British subject, or vested by law in the state, or where a citizen shall have a fair and equitable claim to any land so purchased. A decree to be made for payment of the money due, and a conveyance of the land; if nothing is due, or the party shall comply with the decree, the chancellor to convey in the name of the state, all the right vested in any British subject, or in the state. By 1805, ch. 99, the chancellor on application of any person claiming lands in virtue of any deed of the commissioners of confiscated British property, and being satisfied that such claimant has an equitable title to the lands claimed, to execute a deed, in the name of the state, to such claimant, &c.

All costs to be charged to the complainant, &c.

SEC. 8. *And be it enacted*, That in all cases whatever, where a suit shall hereafter be instituted against the state in the said court of chancery, all costs in the said suit shall be charged to the complainant or complainants, and the state shall not be