

5. AND BE IT ENACTED, That in cases wherein a power is given to take bills *pro confesso*, or to issue a commission *ex parte*, a decision may be made against the defendants absent making default, on the testimony taken between the parties, instead of issuing such commission.

In cases where power is given to take bills *pro confesso*, decision may be made, &c.

6. AND BE IT ENACTED, That in addition to the powers given in regard to sheriffs and other officers, by the twenty-third section of the said act*, the provisions of the act of seventeen hundred and ninety-seven, chapter forty-three, be extended to the court of chancery, and the county courts as courts of equity.

Provisions of act of 1797 extended to court of chancery and county courts a courts of equity
*1785, ch. 72

7. AND BE IT ENACTED, That the provisions of the act of eight hundred and sixteen, chapter one hundred and fifty-four, be extended to equitable titles to real estates.

Provisions of act of 1816 extended to equitable titles to real estates

8. AND BE IT ENACTED, That a sale of the real estate may be decreed in the discretion of the chancery court, and the county courts as courts of equity, in order to save the personal, with the consent of all parties of full age, and the actual guardian of minors.

Sale of real estate may be decreed to save the personal, with consent of parties

9. AND BE IT ENACTED, That where sales have been or shall be made by executors, under a supposed authority derived from a will, the chancery court, and the county courts as courts of equity, shall have a discretionary power to confirm such sales on hearing, or in cases where bills may be taken *pro confesso*.

Where sales have been made under supposed authority from a will, courts to have a discretionary power to confirm them

10. AND BE IT ENACTED, That widows shall be entitled to dower in lands held by equitable title in the husband, unless the same be devised by a will made before the passage of this act; but such right of dower shall not operate to the prejudice of any claim for the purchase money of such lands, or other lien on the same; and tenants by the curtesy shall be entitled for life to lands held by equitable title, but not to the prejudice of any claim for the purchase money of such lands or other lien on the same.

Widows shall be entitled to dower in lands held by equitable title in the husband, &c.

11. AND BE IT ENACTED, That the provisions of the fifth section of the act of seventeen hundred ninety seven, chapter one hundred and fourteen, concerning partition, be extended to cases where all the persons reside out of the state.

Provisions of act of 1797, concerning partition, extended to cases where all the persons reside out of the state

12. AND BE IT ENACTED, That in case of lands in this state descending to minors residing out of this state, on a bill filed by the *prochein ami* of any such minor, the said courts may issue a commission to three persons in the state where the infants reside, authorising them, or any two of them, to go to the infant or infants, and appoint a guardian, for the purpose of answering and defending the suit, and authorising them to take and return such answer; and on return of the same, there may be the same proceedings as if the infant defendants had been regularly summoned, and had been heard by a guardian appointed by the court.

In case of lands descending to minors residing out of state, on bill filed, court to commission three persons to appoint a guardian to defend suit

13. AND BE IT ENACTED, That the said courts may decree a sale of such lands, if it shall appear to be for the benefit and advantage of such infants, and may order or not, in their discretion, a commission to take depositions in the case, as to them shall appear necessary, and upon such terms as they may judge right and proper.

Court may decree a sale of such lands if it shall appear to be for benefit of such infants

14. AND BE IT ENACTED, That when on appeal from any decree in the chancery court, or a county court as a court of equity, it shall appear that the proper parties have not been made, the court of appeals may, in their discretion, either reverse such decree with out prejudice to another bill, or award a new trial on such terms

In case of appeals where proper parties have not been made, court of appeals may either reverse decree or award a new trial.