

CHAP. 79. **ing 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.

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 answerable for any part thereof, unless the chancellor shall be of opinion that the necessity of bringing such suit hath not been owing to the fault or negligence of the said complainant or complainants, and in case the chancellor shall be of such opinion, he shall have power to decree with respect to costs as to him justice shall seem to require; provided, that in no case shall the state be liable to costs in which it is not at present liable.

Defendant appearing to answer &c.

9. **AND BE IT ENACTED,** That in case any defendant shall hereafter appear in the court of chancery, either in person or by a solicitor, agreeably to an order limiting a day for such appearance, or shall voluntarily so appear to a bill filed in chancery, he shall put in a good and sufficient answer to each interrogatory contained in the bill, or a plea or a demurrer to the same, on or before the fourth day of the term succeeding such appearance, he shall otherwise be liable to be proceeded against, if a resident of the state, as if he had been duly summoned and appeared as in ordinary cases, and if he be a nonresident, either the bill shall be taken *pro confesso*, or, at the discretion of the chancellor, a commission shall issue for taking depositions *ex parte*, and the chancellor may thereon proceed to decree.

Property taken to be delivered back, &c.

10. **AND,** whereas it sometimes happens, that an injunction from the court of chancery prevents the sheriff from proceeding to sell after he hath taken in execution property of a perishable nature, and doubts are entertained respecting the power, duty and liability of the sheriff, and whatever the law may be, great inconveniencies must arise to one of the parties, or to the sheriff, whether injunction be afterwards dissolved or decreed to be perpetual, **BE IT ENACTED,** That in case any injunction from the court of chancery shall hereafter issue to prevent a sheriff or other officer from selling personal property taken in execution, immediately on the ser-