

into the principles upon which the award was founded, and upon consideration of all circumstances to decree as equity and justice might require. *Resolution, 24th May, 1787.* Upon which the Chancellor declared, that he considered it to be the meaning of the General Assembly to place him in the room of the arbitrators, whose powers were defective, and to enlarge the submission so that complete justice might be done. And therefore he held, that it would not be consistent with his duty to consider the case in the same light as if the contest were between two individuals coming before him for decision according to the principles established by preceding determinations in Chancery; and he proceeded to dispose of the case accordingly as an arbitrator would have done. *Garretson v. The Attorney-General, 18th August, 1790, Chancery Proceedings, lib. D, fol. 385.*

In that instance the State not only admitted the facts in favor of an individual, but also waived all the strict rules of law and equity of which it might have taken advantage; and liberally directed the case to be submitted to arbitration unembarrassed by any forms or rules whatever. The resolution under consideration involving a claim upon property in the hands of the State, although peculiar and special in its nature, must be regarded as a public law of which the Courts are bound to take notice. There are, however, many instances in which the Legislature has, by private Acts, interposed, without prejudice to any private rights, to remove difficulties and give facilities in the disposition of property in which the State had no interest; by providing modes of leasing, mortgaging or selling legal or equitable estates of deceased persons for the payment of their debts, or to save the more profitable personalty; \*or so that the property might be made productive for the relief of the necessities of those interested; or **100** to enable infants to convey in pursuance of a will under which they took as devisees. Under such laws the Chancellor proceeds according to the mode prescribed, pursuing the ordinary course of proceeding in aid of such private Acts, and only so far as they are silent as to the mode of proceeding and the powers conferred by them may be so executed, and are constitutional. *Cambells, 2 Bland, 230; Williams' Case, post; Hughes' Case, 1 Bland, 46; Iglehart v. Armiger, 1 Bland, 520.*

Here it is perfectly manifest, that the resolution by which this case has been referred to the Chancellor, makes no assumption of facts; nor admits any; nor, on behalf of the State, waives the benefit of the well established principles of law or equity properly applicable to the merits of the case; but on the contrary it calls upon the State's chief law officer to attend and defend its rights and interests. *3 Blac. Com. 256; Mitf. Plea. 31.* The case was presented to the General Assembly by petition, accompanied by sundry vouchers and documents; and, in that form, it has been