

free a sale of the whole interest, estate, and title of all parties to the land aforesaid, and direct the money arising from the sale to be applied to the discharge of the just debts of the ancestor or devisor aforesaid; but if it shall appear to the chancellor, that the person or persons having the legal title, have not been paid the whole money contracted to be paid to him, her, or them, the chancellor shall not decree a sale of more than the equitable title aforesaid, without the consent of the party or parties having the legal title, or without providing that the debt for the land shall be wholly paid—*ibid.* § 3.

42. Hereafter, with the consent of both parties to any cause in the court of chancery, a commission for taking depositions may issue to one person, instead of four persons now required by law, or by the usage and practice of chancery; and any one person to whom such commission shall be directed, shall be allowed for his services at the rate of 30s. *per diem.*—*ibid.* § 4.

43. On any bill in the court of chancery filed, or to be filed, against the heirs of any person deceased, the chancellor, at his discretion, may, on the appearance of such person or persons as would have been sole heir or only heirs, in case the late act to direct descents had not been made, pass an order, to be published in some convenient newspaper, at least 3 weeks successively, giving notice of the substance and object of the bill, and appointing a day, not less than 4 months subsequent to the publication, for each of the heirs to appear and shew cause wherefore a decree should not pass, as prayed; and on proof to the chancellor's satisfaction of the due publication, the suit may be carried on between the complainant and the defendant appearing as aforesaid, and any other heirs or heir appearing in consequence of the notice; and there may be the same decree, and it shall have the same effect, as if the heirs of the person deceased had appeared and defended the suit; but the answer of the heir or heirs appearing, shall not operate against any absent heir, otherwise than if such absent heir had appeared, and defended the suit, but the chancellor, on application of the complainant, may, at discretion, either take the bill *pro confesso* as to all absent heirs of the deceased, or direct a commission to issue for taking depositions *ex parte*, and receive such proof as he may think proper; but if any heir of the deceased shall, in person, or by a solicitor, appear in court at any time before a decree shall be passed, and shall, on or before the fourth day of the subsequent term, put in a sufficient answer to each interrogatory stated in the bill, or a good plea or demurrer to the same, the proceedings shall thereafter be the same as if such heir had regularly appeared to a summons; and if at any time within 9 months after a decree passed without his appearance, any heir shall appear, and file a petition, praying the chancellor to set aside the decree, and likewise answer, plea or demur as aforesaid, the chancellor shall accordingly annul the decree as to such heir, and there shall be the same proceedings