

properly attested, shall be admitted in evidence in all courts of this state, and although the original deed or record thereof at length may not be lost or destroyed, yet the judges of the general court may, in their discretion, admit the record entries as aforesaid to be made by the clerk of the general court, or attested copies of the same, to be given in evidence in all cases in the said court where the judges shall be of opinion, from the circumstances of the case and the nature of the dispute, that it is not necessary to have the deed at length; provided that no such record entry, or copy of the same, shall be admitted in evidence, if the party against whom the same is intended to be used shall give the other party notice a term before the trial of the cause to produce the original deed, or a full copy of the same from the record.—*ibid.*

28. Where any sale hath been made by the intendant, or the commissioners of confiscated property, of land heretofore patented, and the patent recorded in the land office, the purchaser upon payment, of the purchase money, and obtaining a receipt for the same, and upon a certificate of the sale being lodged with the register of the land office 6 months, unless the chancellor otherwise determines upon hearing any caveat to the same to be filed within the time aforesaid, shall be entitled to a deed for the land and premises purchased, conveying such estate therein as was agreed to be sold, which deed being prepared by the party, shall be signed, sealed and delivered, by the chancellor on behalf of the state, and being so executed and recorded among the records of the general court, or of the county court where the land may lie, within 6 months from the time of such execution, shall be good and effectual in law; and any purchaser of personal property shall, upon a certificate of the purchase money being paid, be entitled to a deed, to be executed as aforesaid, which shall be recorded in the general or county court where the purchaser may reside, or may have made the purchase within 6 months from the date of such deed, 1785, c. 66, § 5.

29. In case any deed hath been or shall be executed, to the validity of which recording is necessary by law, and such deed hath not been, or shall not be, recorded agreeably to law, without any fraudulent design of the party claiming under such deed, the chancellor may, upon application of the party claiming under such deed, and summoning and hearing the party making such deed, his heir, devisee, executor or administrator, and being satisfied that the party claiming under such deed has a fair and equitable claim to the premises therein mentioned, order and decree that such deed shall be recorded; and when recorded, shall be taken and considered in all courts of law and equity against the party making such deed, his heirs, &c. in the same state, and to have the same effects and consequences, to all intents and purposes, as if recorded within the time prescribed by law; but such deed shall not destroy, or in any manner affect, the title of any purchaser of the same thing or premises