

portion of the money arising from such sale be well and sufficiently secured to be paid to such infant, idiot, or person *non compos mentis*; and if any contract hath been made for any lands, tenements, or hereditaments, held as aforesaid, for or on behalf of any infant, idiot, or person *non compos mentis*, which the chancellor, upon hearing as aforesaid, and examination into all the circumstances, shall think for the interest and advantage both of such infant, idiot, or person *non compos mentis*, and of the other person or persons interested therein, to be confirmed, the chancellor may confirm such contract, and order a deed to be executed according to the contract; and all sales and deeds made in pursuance of and agreeably to an order of the chancellor, in consequence of the above power, shall be good and sufficient in law to transfer the estate and interest of such infant, idiot, or person *non compos mentis*, in such lands, tenements or hereditaments, according to the true intent and meaning of such deeds respectively; and in all cases of deeds executed in consequence of the above power, the deed shall be executed and acknowledged by such person or persons as the chancellor shall appoint for this purpose.

By 1794, ch. 60, provision is made for decreeing a partition of lands held by infants, idiots, &c. jointly with other persons; and by 1797, ch. 114, it is extended to infants residing out of the state, on their answer being taken by commissioners, to be appointed by the chancellor.

XIII. AND BE IT ENACTED, That in all cases where a decree of the chancellor shall be made for a conveyance, release or acquittance, and the party against whom such decree shall pass shall neglect or refuse to comply thereon, such decree shall stand, be considered and taken, in all courts of law and equity, to have the same operation and effect as if the conveyance, release or acquittance, had been executed conformably to such decree.

Decree shall stand, &c.

By April, 1787, ch. 30, in suits brought against nonresidents, to compel a conveyance of lands, &c. in this state, the chancellor may decree, without appearance, on notice, &c. being given personally, or in the public papers of the state, &c. where the defendant resides; a provision is also made for a rehearing.

By 1792, ch. 47, (for giving relief where such party's residence is unknown,) the chancellor may decree in like manner, on notice being given in newspapers, or otherwise, as he may direct. A provision is also made for a rehearing.

XIV. AND BE IT ENACTED, That the parties, and their attornies or agents, shall have a right to be present at the execution of all commissions hereafter to be issued from the court of chancery for examining witnesses and taking evidence, and the interrogatories of the respective parties shall be read by the commissioners, so that they may be heard by the parties, their attornies or agents, respectively, if they choose to attend, and each party shall, on application, have a right to a copy of the interrogatories of the adverse party, to be delivered by such party before any witness is examined on such interrogatories, and if either party shall, after witnesses are examined on the interrogatories of the adverse party, desire the commissioners to adjourn to a future day for the purpose of receiving additional interrogatories, proofs and witnesses, it shall be done by the commissioners, and the commissioners shall receive such additional interrogatories in writing, and take the proofs and evidence offered, and shall give each party a fair opportunity of adducing all his testimony; but if the party requiring an adjournment for the purpose aforesaid, shall neglect or refuse to exhibit his interrogatories, and produce his evidence, at the meeting in consequence of such adjournment, and it shall appear to the commissioners that delay and procrastination is affected by such party, then no further time shall be given him for the purpose aforesaid.

Parties shall have a right to be present, &c.

By 1795, ch. 88, section 4, a commission for taking depositions, (with the consent of both parties,) may issue to one person, instead of four, and by 1799, ch. 79, section 6, a commission for any other purpose may issue, (with the like consent, and the approbation of the chancellor,) to one person, or to three, with power to any two.

XV. AND BE IT ENACTED, That each commissioner to take evidence, acting in consequence of an appointment from the chancery court, shall be allowed twenty shillings current money per day for every day he shall actually serve in the execution of such commission, to be paid by the parties according to the time that such commissioner serves in taking the testimony of such parties respectively, and to be taxed in the bill of costs of the party for whom the decree of the chancellor shall pass in the cause.

Allowance to commissioners, &c.

XVI. AND BE IT ENACTED, That a witness attending commissioners in consequence of summon by them issued, or the request of either party, shall be allowed five shillings per day for every day's attendance, and itinerant charges, to be ascertained by the commissioners, which allowance shall be paid by the party summoning or requesting such witness to attend, and shall be taxed in the bill of costs as aforesaid.

And witness, &c.

XVII. AND BE IT ENACTED, That the chancellor shall have full power and authority to appoint, during his pleasure, a person of integrity, judgment and skill in accounts, to be auditor for the chancery court, who shall, before he enters upon the duties of his appointment, take an oath, to be administered by the chancellor, well and faithfully to execute the duties of his office, without favour, affection,

Chancellor may appoint an auditor, &c.