

and as the said court shall think proper to make concerning the same, upon the appearance of the defendant or defendants to defend such suit.

C H A P.
XXX.

III. PROVIDED ALWAYS, If any decree shall be made in pursuance of this act against any person or persons being out of this state at the time such decree is pronounced, and such person or persons shall, within two years after making such decree, come into this state, or in case any defendant, against whom such decree shall be made, shall, within two years after making such decree, happen to die before his or their coming into this state, and the heir or representative, being of age, shall come into this state within two years after such death, or if such heir or representative be an infant, ~~single~~ *covert*, or *non compos mentis*, come into this state within two years after such disability removed, shall not, within six months after such coming into this state, appear and petition to have the cause reheard, such decree so as aforesaid made shall stand confirmed; but if any person or persons interested or affected by the said decree as aforesaid, shall appear and give security to pay the costs incurred by the plaintiff or plaintiffs in the said suit, within the term of six months after their said coming into this state as aforesaid, the same proceedings shall be had for the determination of the said suit as if the defendant or defendants, or other persons interested therein, had originally appeared to the said suit, and no former decree had been made; and if such defendant or defendants, their heirs, executors or administrators, or any person or persons claiming under them, or any person or persons interested in the said decree, shall neglect to file their petition as aforesaid within the time limited as aforesaid after coming into this state, then such decree, made as aforesaid, shall stand absolutely confirmed.

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IV. AND, whereas disputes may arise between the purchasers of confiscated property and the state, respecting their contracts and purchases, BE IT THEREFORE ENACTED, That the chancellor shall have full power and authority to hear and determine all such disputes, by making the attorney-general a party, who shall appear to, answer and defend, the said suit on behalf of the state, and upon hearing may make such order and decree therein as shall be agreeable to equity and justice, and the same proceedings shall be had, and the same rules of decision shall prevail, as in disputed cases between individuals.

Chancellor may hear disputes, &c.

V. AND BE IT ENACTED, That the chancellor shall have full power and authority to allow any guardians, trustees, agents or factors, who shall make disposition or sale of either real, personal or mixed property, for the purpose of paying the debts of deceased persons or others, under and in virtue of any order or decree of the chancery court, a commission from one *per cent.* to seven and an half *per cent.* for their trouble in selling and disposing thereof, and paying the same away in pursuance of such order or decree, as the chancellor shall, on consideration of all circumstances, think just and right.

And allow a commission, &c.

C H A P. XXXI.

An ACT to remove the market-house at the Head of Elk, and establish the same, and for the advancement and regulation of the said town. Lib. TBH. No. B. fol. 246.

Passed 24th of May, 1787.

Supplements November, 1792, ch. 43, 1793, ch. 42, 1796, ch. 31.

WHEREAS it has been represented to this general assembly, that a market-house hath been erected by the inhabitants of the Head of Elk, on a lot of ground sold by the commissioners of confiscated British property to Joseph Gilpin for public use, and that by an act passed at the last session, * entitled, An act to remove the seat of justice from Charles-town to the Head of Elk, a court-house and gaol are directed and ordered to be built on the same lot, and that the same is too small for so many public buildings: And whereas Jacob Hollingsworth, by deed, bearing date the twelfth day of May, seventeen hundred and eighty-seven, hath given and granted a lot of ground for a market-house in the town aforesaid, provided that a market-house shall be erected thereon within the space of two years, and thereafter be upheld, maintained and used, by the inhabitants of the said town, as a market-place; and a large majority of the said inhabitants have prayed, that the market erected on the lot first mentioned may be removed and erected on the lot given for that purpose by Jacob Hollingsworth, and that a market might be held thereon every Tuesday and Saturday for ever hereafter, and also that there may be held, on the same place, general markets for the sale, barter or exchange, of all sorts of produce, the growth or manufactures of this, or any of the United States, on the first Tuesdays, and the day after, of April, June, October and December, annually, for ever thereafter; and that proper regulations for the said market might be made, and commissioners appointed to carry the same into effect;

Preamble.

Chapter 26.