

ESCHEAT.

What lands were escheatable to the state. October, 1780, ch. 51, § 5.

The registers of the land-office to grant warrants for escheating lands. November, 1781, ch. 20, § 3.

The treasurers to receive for escheat lands two thirds of their real value in current money. *Ibid.* § 4, 1795, ch. 61.

No warrant of escheat shall be good, unless where the owner hath died or shall die intestate, seized in fee-simple, and without having any relation of the half blood within two degrees, (that is, first cousins,) as the same are reckoned by the common law, and without leaving any relation who might inherit, if a subject of this or any of the United States. November, 1781, ch. 20, § 8.

— The public engage to warrant and defend to purchasers their title on the terms therein mentioned. *Ibid.*

— The value in current money of all escheat lands, and improvements thereon, shall be returned and certified by the surveyor, and the treasurers shall finally ascertain the value of such land and improvements, and shall receive the money therefor. *Ibid.* § 9, 1795, ch. 61, § 4.

A sale of lands liable to escheat may be ordered by the chancellor for the payment of debts where there is not property sufficient. 1785, ch. 78, § 1.

On the return of a certificate on an escheat warrant, any creditor of the deceased may enter a caveat, and thereupon no patent shall issue till an examination by the chancellor, and payment made to the creditors. *Ibid.*

A conveyance may be enforced by the chancellor of lands liable to escheat which had been bound by contract to convey. *Ibid.*

If the creditor shall be out of the state, so that he has not notice of the death of the intestate in time to enter a caveat, and the real estate shall be escheated, the state will, on application of such creditor, pay the amount received. *Ibid.* § 2.

If a patent shall issue for lands escheated to the state, and the person died indebted within the state, or to any of its citizens, the creditors may file their bill against the state, and recover as far as the money has been received. 1794, ch. 60, § 6.

In all cases where land has been escheated, or shall escheat to the state, any person having a claim to the land, or a lien or charge on it, or a title in equity, may bring a suit against the state in any court of law or equity as it might have been brought against the person. 1799, ch. 79, § 7.

The right of the state relinquished to property escheated or escheatable that had been acquired by foreigners since the act for naturalization, on such foreigners becoming naturalized by the times therein limited. 1789, ch. 24, § 3, 4, November, 1792, ch. 14, § 3, 4.

— No application to be received within such limited periods to prejudice the rights of the said foreigners. *Ibid.* § 5.

ESTATES.

A summary mode of recovering the possession of lands and tenements held by tenants for years or at will, after the expiration of their terms or estates. 1793, ch. 43.

Estates for the life of another person or persons, except those granted to the deceased and his heirs only, are affects. 1798, No. 101, ch. 7.

Estates, how devisable by will. *Ibid.* ch. 1.

ESTATES TAIL.

Persons seized of any estate tail, in possession, remainder or reversion, may convey the same by such manner of conveyance as a person seized of an estate in fee-simple may convey such estate, and such conveyances of persons so seized in tail shall be good and available against all persons whom the grantor could

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debar by any mode of common recovery, or any ways or means whatever. November, 1782, ch. 23.

Common recoveries before suffered by consent for docking estates tail available, notwithstanding any defect. November, 1766, ch. 21.

Nothing in the act to direct descents to affect the case of any entail made, created and in being, before the commencement of the act. 1786, ch. 45, § 6.

Estates tail excepted out of the description of real estates subject to be transferred by last will. 1798, No. 101, ch. 1, § 1.

EVIDENCE.

No man ought to be compelled to give evidence against himself in a court of common law, or in any other court, but in such cases as have been usually practised in this state, or may hereafter be directed by the legislature. Decr. 20.

No person convict or attaint of subornation of perjury, or convict or attaint of perjury, shall be received as a witness till such judgment be reversed. 1692, ch. 16, § 3, 4.

What shall be evidence respecting church lands. 1704, ch. 38.

No bill, bond, judgment, recognizance, &c. or other specialty, (except for the state,) shall be admitted in evidence after the principal debtor and creditor have been both dead twelve years, or the debt, &c. above twelve years standing. 1715, ch. 23, § 6.

— A saving to infants, &c. of five years after the impediment is removed. *Ibid.*

Directions respecting the admission of negro or mulatto slaves, free negroes, &c. as evidence. 1717, ch. 13, § 2, 3.

— Respecting the depositions of seafaring men. 1721, ch. 14.

— Respecting the boundaries of land. 1723, ch. 8.

Sec. BOUNDARIES.

The evidence of convicts, imported as such, shall be received against other such convicts. 1751, ch. 11, § 2.

The evidence of their confederates or accomplices, being such convicts, shall be so received. *Ibid.*

— Punishment for their swearing falsely. *Ibid.* § 3.

Copies from the record of the bonds given by clerks, registers, &c. to be evidence. 1716, ch. 1, § 3, 1742, ch. 10, § 3.

Slaves may be convicted of the felonies therein mentioned on the testimony of one or more credible witnesses, or even of other slaves, corroborated with such pregnant circumstances as shall convince and satisfy the jury of their guilt. 1751, ch. 14, § 4.

— Punishment of such slaves for giving false testimony. *Ibid.* § 5.

— The court to admonish them to declare the truth, &c. *Ibid.* § 6.

Evidence, how to be taken by commission from courts of law. November, 1773, ch. 7, § 7.

A mode established to perpetuate testimony. July, 1779, ch. 8.

— Same in the chancery court. *Ibid.* § 8.

In case any original deed, and the record thereof at length, be lost or destroyed, then the record entries, as prescribed by this act, (of transcripts from the county courts,) or attested copies of them, shall be admitted in evidence. 1785, ch. 9, § 7.

— Although such original deed, &c. may not be lost or destroyed, the general court may, in their discretion, admit such record entries, or attested copies of them, to be given in evidence in all cases where they shall be of opinion, from the circumstances, &c. that the deed at length is not necessary. *Ibid.*

— But no such record entry, or attested copy, shall be admitted in evidence, if the party against whom it is intended shall give the other party notice, a term before trial, to produce the original deed, or a full copy from the record. *Ibid.*