

contained, respecting the proceedings on appearance of such heir, shall be con-  
 sidered to extend to such evading defendant.

C H A P.  
 CXIV.

IV. **And be it enacted,** That in case any cause hath been or shall be set down  
 regularly for hearing, or submitted to the chancellor by both parties, as ready  
 for his decision, and one of the parties hath died, or shall die, after such setting  
 down, or submission, and before a decree passed, having a solicitor in court, the  
 said cause shall not abate, and the chancellor may decree as if such deceased party  
 were alive, and the decree shall have the same effect as if it had been passed  
 against the deceased, except that it shall not entitle the complainant to a pre-  
 ference in the distribution of assets, either real or personal.

Certain causes  
 shall not a-  
 bate, &c.

V. **And,** whereas it is doubtful whether or not there is any method of pro-  
 ceeding whereby a person holding land jointly or in common with an infant re-  
 siding out of the state may obtain partition of the said land, **Be it enacted,** That  
 on a bill filed, for the purpose of obtaining partition of land held jointly or in  
 common with an infant residing out of the state, the chancellor, on the com-  
 plainant's motion, may direct a commission to issue unto three persons, such as  
 he shall approve, authorising them, or any two of them, to go to the infant,  
 and appoint a guardian for the purpose of answering and defending the suit, and  
 authorising them likewise to take the answer, and return it to the court; and in  
 receiving such answer there may be the same proceedings as if the defendant had  
 been regularly summoned, and had been heard by a guardian appointed by the  
 court.

Chancellor,  
 on motion, to  
 direct a com-  
 mission to is-  
 sue, &c.

VI. **And be it enacted,** That all sales by the act to direct descents directed to  
 be made of lands which will not admit of division amongst the heirs, shall be  
 made agreeably to the order of the court from which the commissions issued, and  
 shall not be valid until ratified by the said court; and the commissioners for  
 valuing such lands as in their judgment will not admit of division, shall take into  
 consideration any incumbrance on the lands, and report the value of the land,  
 subject to the incumbrance; and the election of any of the heirs to take the  
 land, and pay the others their proportions, shall be made in the said court, be-  
 fore the expiration of the term next succeeding the term on which the return of  
 the commissioners shall have been confirmed.

How sales are  
 to be made,  
 &c.

VII. **And,** whereas there is no proper receptacle or hospital within this state  
 for the confinement and care of persons insane, whose going at large is dangerous  
 or improper, **Be it enacted,** That the chancellor shall have full power, on the  
 application of any trustee of a lunatic, idiot, or person insane, and receiving  
 proof to his satisfaction, that it is necessary or proper to confine such lunatic,  
 idiot, or person insane, to direct the said trustee to send the person under his  
 charge to some hospital or receptacle in Philadelphia, provided he can be there  
 received, to remain until further order of the court; and the chancellor shall  
 have power, at any time, to direct the said person to be brought back, and to  
 enforce his order as in other cases.

Persons insane  
 may be con-  
 fined, &c.

VIII. **And be it enacted,** That the chancellor shall have full power, as in the  
 court of chancery, at his discretion, to award costs to the party prevailing on the  
 decision of any caveat in the land-office.

Costs may be  
 awarded, &c.

IX. **And be it enacted,** That no caveat shall hereafter be entered in either of  
 the said offices where composition money is due on a certificate, unless the party  
 requiring the same to be entered shall first make oath, or affirmation, that he  
 conceives he has good cause for entering the same, and has pretensions to the  
 land, or a part thereof, containing in the certificate he is desirous of caveating,  
 and that the same is not entered for the purpose of favouring the party, by en-  
 doring him to prolong the time for payment of the composition money on the  
 said certificate, or made at his request, or at the request of another person, but  
 for the purpose only of prosecuting by claim.

No caveat to  
 be entered,  
 &c.