

ty-seventh section of the act of seventeen hundred and eighty-five, chapter seventy-two, be confined to decretal orders. CHAP. 193.

2. *And be it enacted,* That the provisions of the fifth section of the said act, and of the several acts supplementary thereto, in relation to the sales of real estate, be extended to defendants of full age. Certain provisions of former acts extended to defendants of full age.

3. *And be it enacted,* That the provisions of the fifteenth section of the said act, be extended to the clerk employed on every commission. Also to clerk employed on every commission.

4. *And be it enacted,* That under the twenty-fifth section of the aforesaid act of seventeen hundred and eighty-five, it shall not be necessary to make any demand of a compliance with the decree, (as the practice has been,) to entitle the party obtaining the decree to process thereon. Not necessary to make demand of compliance with decree to entitle party to process.

5. *And be it enacted,* That in cases wherein a power is given to take bills *pro confesso*, or to issue a commission *ex parte*, a decision may be made against the defendants absent making default, on the testimony taken between the parties, instead of issuing such commission. In cases where a power is given to take bills pro confesso, decision may be made against defendants making default, on testimony taken between parties.

6. *And be it enacted,* That in addition to the powers given in regard to sheriffs and other officers, by the twenty third section of the said act, the provisions of the act of seventeen hundred and ninety-seven, chapter forty-three, be extended to the court of chancery, and the county courts as courts of equity. Provisions of act of 1797 extended to court of chancery, and county courts as courts of equity.

7. *And be it enacted,* That the provisions of the act of eighteen hundred and sixteen, chapter one hundred and fifty-four, be extended to equitable titles to real estates. Provisions of act of 1816 extended to equitable titles to real estates.

8. *And be it enacted,* That a sale of the real estate may be decreed in the discretion of the chancery court, and the county courts as courts of equity, in order to save the personal, with the consent of all parties of full age, and the actual guardian of minors. Sale of real estate may be decreed to save the personal, with consent of parties.

9. *And be it enacted,* That where sales have been or shall be made by executors, under a supposed authority derived from a will, the chancery court, and the county courts as courts of equity, shall have a discretionary power to confirm such sales on hearing, or in cases where bills may be taken *pro confesso*. Where sales have been or shall be made under supposed authority from a will, courts to have a discretionary power to confirm them.

10. *And be it enacted,* That widows shall be entitled to dower in lands held by equitable title in the husband, unless the same be devised by a will made before the passage of this act; but such right of dower shall not operate to the prejudice of any claim for the purchase money of such lands, or other lien on the same; and tenants by the curtesy shall be entitled for life to lands held by equitable title, but not to the prejudice of any claim for the purchase money of such lands or other lien on the same. Widows shall be entitled to dower in lands held by equitable title in the husband, &c.

11. *And be it enacted,* That the provisions of the fifth section of the act of seventeen hundred ninety-seven, chapter one hundred and fourteen, concerning partition, be extended to cases where all the persons reside out of the state. Provisions of act of 1797, concerning partition, extended to cases where all the persons reside out of the state.

12. *And be it enacted,* That in case of lands in this state descending to minors residing out of this state, on a bill filed by the *prochein ami* of any such minor, the said courts may issue a commission to three persons in the state where the infants reside, authorising them, or any two of them, to go to the infant or infants, and appoint a guardian, for the purpose of answering and defend- In case of lands descending to minors residing out state, on bill filed, court to commission three persons to appoint a guardian to defend suit.