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before the Execution and Determination of the trust hereby in them reposed, that  
the other two Surviving Com<sup>rs</sup> or Trustees shall be and they hereby are Empon-  
ered to make Choice of Some other third person as a Com<sup>rs</sup> or Trustee in the Stead of the  
Said Com<sup>rs</sup> or Trustees deceased. Said third Com<sup>rs</sup> or Trustee so elected shall have  
Equal Right and Priviledge with the other two Surviving Trustees or Com<sup>rs</sup> and  
so as often as need shall require by death of any one Com<sup>rs</sup> or Trustee as aforesaid  
the two Surviving Com<sup>rs</sup> or Trustees shall proceed immediately in the manner  
above mentioned to the Election of another until the trust by this Act in them  
reposed shall be fully determined.

And be it further Enacted by the Authority, Advice and Consent  
aforesaid that in Case the Land devised by the will of the Said Thomas Smithson of  
Salbott County to Mary Waighton widow, shall be sold by the Com<sup>rs</sup> or Trustees  
aforesaid that then it shall & may be lawfull for the Said Com<sup>rs</sup> or Trustees  
are Empowered to allow and pay to the Said Mary Waighton so much S<sup>ts</sup> or Mo-  
ney as they shall find she has paid for the said Rents of the Said Land.  
Provided Nevertheless and it is the true intent and meaning of this Act that  
in Case the personal Estates & Lands of the Said Thomas Smithson of Salbott  
County & Thomas Smithson of Dorchester County shall be found sufficient  
to Satisfie and pay all the Damages that have or shall be sustained by means  
of the Warranty aforesaid besides the severall Lands and Negroes in the said  
Will mentioned given or intended to be given to the use of St. Michaels Pa-  
rish in Salbott County and to his Sister Dorothy the Wife of Michael  
Fletcher & the heirs of her Body & for want of such Issue to the use of the  
Free school that then the Said Com<sup>rs</sup> shall not in any wise dispose of  
the Same but that they shall remain to the use of the Said Devises according  
to the Devises in the Will of the aforesaid J<sup>o</sup> Thomas Smithson.  
Provided also that in Case the heir or heirs devisee or devisees of the  
Said J<sup>o</sup> Tho<sup>s</sup> Smithson of Salbott County, and Tho<sup>s</sup> Smithson of Dorchester  
County after the Said Com<sup>rs</sup> have valued the Lands & personal Estates as  
aforesaid & assessed the Damages Costs & Expences by the Said Tho<sup>s</sup> Ficks and  
John Davis sustained & paid shall be minded or willing to pay and shall  
pay to the Said Thomas Ficks & John Davis their Damages and Costs as aforesaid  
or their proportion according to the Value of the Estates devised them  
that then in such Case such heir or heirs devisee or devisees shall have  
such Lands in the Same manner they could have held the Same by the  
Will of the Said Thomas Smithson of Salbott County and Tho<sup>s</sup> Smithson  
of Dorchester County as if this Act had never been made any thing in this  
Act to the contrary notwithstanding saving to the Said Lord propriety his  
heirs & Successors, of all Bodies Politick & Corporate and all others not men-  
tioned in this Act their severall and respective rights.

April the 9<sup>th</sup> 1720  
Read and assented to by the Lower  
House of Assembly and Signed in order  
W. Menifer Sec<sup>ry</sup>

April 20<sup>th</sup> 1720  
Read and assented to by the Upper  
House of Assembly and Signed in order  
J. Seal Sec<sup>ry</sup>

April the 22<sup>nd</sup> 1720 On the behalf of his Lordship the Right Hon<sup>ble</sup>  
The Lord Proprietarie of this Province I will this be a Law  
J. H. Wood Sec<sup>ry</sup>

