

IX. AND BE IT ENACTED, That all and singular the sections, clauses and provisions, of the original act aforesaid, which are inconsistent with, and repugnant to, the provisions of this act, be and the same are hereby severally repealed.

C H A P.
LXVI
Sections, &c.
repealed.

C H A P. LXVII.

An ACT to appoint Nicholas Carroll, of the city of Annapolis, and Nicholas Brice, of the city of Baltimore, trustees for the sale of certain lands lying in Cæcil county, part of the real estate of James Brice, Esquire, late of the city of Annapolis, deceased.

Passed 2th of
January, 1803.

WHEREAS Juliana Brice, of the city of Annapolis, widow of James Brice, late of the said city, deceased, and Nicholas Brice, of the city of Baltimore, administrator of the goods and chattels of the said deceased, by their petition to this general assembly have set forth, that the said James Brice departed this life sometime in the month of June, in the year eighteen hundred and one, intestate, leaving a large real estate, lying in Anne-Arundel and Cæcil counties of this state, which, since his death, hath descended to his children, Juliana Jenings Brice, Anne Carroll Brice, Elizabeth Dulany Brice, James Frisby Brice, Thomas Jenings Brice and John Brice, all of whom are minors, under the age of twenty-one years; that the debts due from the said deceased greatly exceed the amount of personal property in the hands of his administrator; that the said personal property, (except some few domestic slaves, household furniture, and a small amount in debts due,) consists entirely of slaves, stock and farming utensils, employed in the cultivation of the said real estate, and cannot be sold without suspending the cultivation of said estate, and thereby subjecting the family to great inconvenience and distress; that it will be more beneficial to all parties interested to preserve a part of the said personal estate, and sell a part of the said real estate for the payment of the debts, and have prayed that an act may pass to appoint Nicholas Carroll, of the city of Annapolis, and Nicholas Brice, of the city of Baltimore, trustees, with power to sell all that part of the deceased's real estate which lies in Cæcil county, and to apply the proceeds thereof to the several objects in said petition set forth; which being thought reasonable, therefore,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That the said Nicholas Carroll and Nicholas Brice be and they are hereby authorised and fully empowered, as trustees, to sell and dispose of, at public sale, after such notice, and on such terms and conditions, as the chancellor may appoint and direct, all that part of the real estate of the said James Brice, deceased, which lies in Cæcil county, and composed of the following tracts or parts of tracts of land, to wit: Hargrove's Choice, Frisby's Prime Choice, Frisby's Forest, Part of Mill Pond, Addition to Forest, and Brice's Triangle, containing in the whole about one thousand acres, or such part thereof as to the chancellor shall appear best calculated to promote the interests of said heirs, and the same, when sold, and on the payment of the whole purchase money, and not before, to make over and convey, by good and sufficient deed or deeds, to the purchaser or purchasers thereof, and the money arising therefrom, after defraying all legal and necessary expences attending the same, to apply as follow, to wit: to pay and discharge such sum of money as shall be decreed by the chancellor to the said Juliana Brice, the widow of the deceased, as a compensation for her right of dower in the said lands hereby authorised to be sold; secondly, to purchase from the said Nicholas Brice, administrator of the said James Brice, deceased, such of the domestic slaves and household furniture of the said deceased as may be necessary for the convenience and accommodation of the family of the said deceased, and also such of the slaves, stock and farming utensils, as may be requisite for the proper cultivation of the lands in Anne-Arundel county; thirdly, to pay such part of the debts of the said deceased as may remain unsatisfied from the personal estate, and the balance of the proceeds of such sales, together with the personal property aforesaid directed to be purchased from the said administrator, to pay over and deliver to the said children, if then of age, or to their guardian or guardians for their use; provided, that before the said trustees shall make any sale in virtue of this act, that they, or the survivor of them, file with the register of the court of chancery a bond, in such penalty as shall be approved of by the chancellor, conditioned for the faithful performance of the trust reposed in them by this act.

N. Carroll, &c.
to sell, &c.

III. AND BE IT ENACTED, That the chancellor be and he is hereby authorised and empowered, on application by the said trustees herein before mentioned, or the survivor of them, to direct and order the terms and conditions of the sale of the said real estate, and on the petition of Juliana Brice, the widow of the said James Brice, deceased, to order and decree the said trustees, or the survivor

Chancellor to
direct the
terms, &c.