

1809.

NOVEMBER.

L A W S O F M A R Y L A N D.

C H A P.
XXXV.

give their bond to the state of Maryland, in the penalty of thirty thousand dollars, conditioned that they will well and truly apply so much money arising therefrom, within twelve months after the drawing of the said lottery shall be completed, as will satisfy the fortunate adventurers for prizes drawn by them, and shall, within eighteen months after the drawing of said lottery be completed, apply the money raised by such lottery for the purpose of defraying the expenses incurred in building the church aforesaid, in purchasing a burial-ground thereto, and other incidental expenses.

II. AND BE IT ENACTED, That it shall be the duty of the said managers, before they act as such, to lodge the bond entered into as aforesaid in the office of the clerk of Baltimore county court, there to be recorded, and upon such bond, or any office copy, suit or suits may be instituted against the obligors therein, or any of them, for any breach or non-compliance with the conditions of the same.

C H A P. XXXVI.

An ACT for the benefit of the Heirs of Doctor Daniel Jenifer.

WHEREAS it has been represented to this general assembly, by the petition of the children and heirs of doctor Daniel Jenifer, late of Charles county, deceased, some of whom are minors, that their deceased father died seized and possessed of a valuable estate, both real and personal, and that just before his death he purchased a highly improved farm for a considerable sum of money, the greatest part of which purchase money was unpaid at the time of his decease: And whereas they have also represented, that their deceased father owed other debts, which, together with the money due for the said farm, cannot be paid without exhausting nearly the whole of his personal estate, and that if the personal estate should be exclusively applied to the payment of the same, they will be unable to cultivate several large and valuable farms, the product of which is indispensable to their support and maintenance, and which cannot be rented without great loss and injury, and have prayed this general assembly to pass a law authorising a sale of part of the real property belonging to the said estate, that they may thereby be enable to retain such a proportion of the said personal estate as will be necessary for the cultivation of the farms aforesaid; and the same appearing to the advantage of the said children and heirs, therefore,

II. BE IT ENACTED, *by the General Assembly of Maryland*, That the justices of the orphans court of Charles county shall have full power and authority, on the petition of the said children and heirs of doctor Daniel Jenifer, late of Charles county, deceased, provided they shall be satisfied that it will conduce to the benefit of the said children, and secure the interest of the creditors of the said doctor Daniel Jenifer, deceased, to order a sale of the following property, to wit: The several lots and houses lying in Charles-town, commonly called Port Tobacco, belonging to the estate of the said deceased, and the lands bought by the aforesaid doctor Daniel Jenifer, deceased, of Theophilus Hargraves and Charles Mankin, upon such terms as the said justices may think proper, and to appoint a trustee or trustees for the purpose of effecting such sale.

III. AND BE IT ENACTED, That any sale which shall be made under the authority granted by the provisions of this act, shall be notified to, and confirmed by, the justices of the orphans court aforesaid, before the conveyance of the property shall be made, and bond, in the name of the state of Maryland, with good and sufficient security, to be approved of by the said justices, shall be given by the person or persons empowered to sell the lots and houses and lands aforesaid, under the order aforesaid, for the due execution of the trust, which bond shall be deposited with the register of wills for Charles county, to be by him recorded among the proceedings of the orphans court of said county, and shall be subject to be put in suit by any person or persons interested therein.

IV. AND BE IT ENACTED, That the trustee or trustees to be appointed by the order of the justices aforesaid, shall be accountable to the said children, and the administrator of the said doctor Daniel Jenifer, deceased, under the direction of the justices aforesaid, and shall pay over the money arising from the sale of the lots and houses and lands aforesaid, in such manner as the justices of the orphans court shall or may direct.

V. AND BE IT ENACTED, That any conveyance or deed which shall be made by the trustee or trustees aforesaid, under the order of the said justices of the orphans court of Charles county, shall be, and the same is hereby declared to be, valid and effectual to pass and convey all the right, title and interest, of the said children and heirs of the said doctor Daniel Jenifer, deceased, in and to the lots and houses and tracts of land aforesaid, to the purchaser or purchasers thereof, and their heirs, respectively.