

as such, give bond, with good and sufficient security, to be approved by the said commissioners, for the performance of his trust, and for the transfer and delivery over of the said estate and effects to the permanent trustee or trustees to be appointed by virtue of the said act, and if any provisional trustee, so to be appointed, shall on the appointment of a permanent trustee or trustees as aforesaid, and on the order of the said commissioners to deliver over to such permanent trustee or trustees the said estate and effects, on a day in the said order to be named, which order the said commissioners are hereby empowered and directed to make, fail or neglect to comply with such order, it shall be the duty of the said commissioners, and they are hereby authorized and required, to report such failure or neglect, with the order by them made as aforesaid on such provisional trustee, to Baltimore county court, or in the recess thereof to the chief judge of the said court, and the said court, or chief judge, shall be and hereby is thereupon authorized and required to proceed by attachment against such provisional trustee, as in cases of contempt, for compelling him to deliver over the said estate and effects, in conformity with the order aforesaid, or with such other and further order as the said court or chief judge may make in that behalf; *Provided always*, that nothing herein contained shall be construed to protect the sureties of such provisional trustee against a recovery on the said bond, in case any part of the said estate or effects shall not be delivered over in pursuance of any order made, or attachment issued by virtue of this act.

Proviso.

Allowance of commissioners to be first paid out of effects of applicant.

SEC. 9. *And be it enacted*, That the allowance made to the commissioners by the law to which this is a supplement, together with all costs attending the application of any person or persons petitioning for the benefit of the same, shall be first paid out of the effects of said applicant, but no person shall be refused a hearing, or be prevented from receiving the benefit thereof, in consequence of the insufficiency of his or her effects to pay the same.

SEC. 10. Relates to cases then pending.

CHAPTER 88.

A further SUPPLEMENT to the ACT, entitled, an Act concerning Crimes and Punishments.

Penalty for stealing tobacco plants.

Be it enacted, by the General Assembly of Maryland, That if any free person shall hereafter secretly and feloniously steal, take and carry away, any tobacco plants, while growing and belonging to any inhabitant of this state, such person, upon conviction thereof, shall suffer such punishment, and undergo such confinement in the penitentiary of this state, as if the said