

Dec Ses 1836.

beth Guither Cole and William Edward Cole, children and infant heirs of John Cole, late of St. Mary's county, deceased, by Benjamin G. Cole, their next friend, 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 valuable real estate, upon which he made considerable improvements, for a large sum of money, all of which purchase money, was paid at the time of his decease, except eight hundred dollars: *And whereas*, They have also represented, that their deceased father owed other debts, which together with the money due for the said real estate, 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 the said real estate the product of which is indispensable to their support and maintenance and have prayed this General Assembly to pass a law authorising a sale of the wood and timber now growing and standing upon the real estate, so purchased by John Cole, just before his decease as will liquidate the balance of the purchase money, that they may thereby be enabled to retain such a proportion of the said personal estate as will be necessary for the cultivation of the real estate aforesaid; and the same appearing to the advantage of the said children and heirs: Therefore,

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That the justices of the orphan's court of Saint Mary's county shall have full power and authority, on the petition of said children and heirs, by their next friend, of John Cole, late of Saint Mary's county, deceased: *Provided*, They shall be satisfied that it will conduce to the benefit of the said children and secure the interests of the creditors of the said John Cole deceased; to order a sale of so much of the timber and wood that may be standing and growing upon any of the real estate of John Cole deceased in which he may have a legal or equitable interest as will be necessary to pay and liquidate the balance of the purchase money for the said real estate, and to appoint a trustee or trustees for the purpose of effecting such sale.

Sale of wood conditionally authorised.

2. *And be it enacted*, That before any trustee or trustees who shall be appointed under the authority granted by the provisions of this act, shall proceed to effect such sale, he or they shall give bond in the name of the state for the faithful discharge of his or their trust with good and sufficient security to be approved by the said justices, which bond shall be deposited with the register of wills of St. Mary's county, to be by him recorded among the proceedings of the orphan's court of said county, and shall be subject to be put in suit by any person or persons interested therein, and that a copy of said bond certified by the said register under the seal of the said court, shall be as good and sufficient evidence in any court of this state, as the original would be if produced and proved.

Trustee—bond.

3. *And be it enacted*, That the trustee or trustees to be appointed by the order of the justice aforesaid, shall appropriate

Appropriate the money to extinction of debt.