

Passed Jan. 20, 1837. *An act for the relief of the heirs of Samuel Polk, of Somerset County.*

Preamble

WHEREAS, it is represented to this General Assembly, that a commission, issued under the act to direct descents out of Somerset county court, for the division or valuation of the real estate of Josiah Polk, senior, and that the said commissioners, or a majority of them, made return thereof at April term, eighteen hundred and eighteen, of said court, to the effect that the said estate would not admit of a division thereof among the several heirs without loss and injury to all the parties entitled; and that at May term, eighteen hundred and twenty-three, of said court, Samuel Polk, the heir entitled to elect to take the said estate at the valuation of the commissioners, did come into open court and elect to take the same at the said valuation, and did pass his bonds to the several heirs entitled, with security for their respective shares, and which said bonds were duly approved by the said court; and whereas, it is represented that the said election was not entered of record, and there is room to fear that in after times difficulties might arise in regard to the title to said real estate, and as it is right and proper a suitable remedy should be provided in that behalf,—Therefore,

Court authorized to direct a record

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That it shall and may be lawful for Somerset county court to inquire into the facts set forth in the preamble to this act, and if it shall appear to them by testimony, written or oral, that the said Samuel Polk did make election to take the said lands as aforesaid, and that no record of the same hath been made, or if made hath been lost, that then the said county court shall, upon application of any one interested, pass an order directing the clerk of said court to enter the said election of record, and the said entry when so made shall have the same effect, in law, as if it had been duly entered of record at the time the said court shall ascertain that said election was actually made; *provided nevertheless,* the said court shall be first satisfied that a notice of such intended application hath been published in some newspaper printed in Princess Ann, once

Notice required