

CHAPTER 71.

CHAP. 71.

An act relating to the division of Hezekiah Clagett's estate. Passed Jan. 30, 1835

WHEREAS, it is represented to this General Assembly, ^{Preamble}
 That Hezekiah Clagett, late of the city of Baltimore, died,
 possessed of certain lease hold property, on Franklin and
 Cove streets, in said city, and seized of real estate adjoining
 thereto, which property and real estate are so connected,
 that neither can separately be divided among the parties
 thereto entitled under the will of said Hezekiah Clagett; and
 that said property and estate cannot under the existing law
 be divided as an entire body of ground, Therefore:

Section 1. *Be it enacted by the General Assembly of Mary-* ^{Authority granted}
land, That upon application of any devisee, or person entit-
 led as aforesaid under said will, to Baltimore County Court,
 in manner as provided by the act, entitled, "an act to amend
 and reduce into one system, the laws to direct descents," for
 a division of said Hezekiah's real estate, and particularly of
 said real estate and leasehold property together, it shall and
 may be lawful for said court to proceed conformably to the
 provisions of said act, with said application, in all respects
 as if said leasehold property were real estate; and the com-
 missioners appointed and acting in the matter of said appli-
 cation shall proceed accordingly, having regard to the lease- ^{Proceedings di-}
 hold character of said property, only in respect of their val-
 uation of said property, or the divisional parts or portions
 thereof.

Sec. 2. *And be it enacted,* That if the commissioners act- ^{Sale conditionally}
 ing as aforesaid shall be of opinion, and report that the
 real estate aforesaid on Franklin street, and said leasehold
 property combined as aforesaid, cannot be divided into as
 many parts as there are persons interested therein under
 said will, and that the residue of the real estate of said Heze-
 kiah, or any part of such residue should be sold; and if a di-
 vision shall be made under direction or sanction of said court,
 of said real estate and leasehold property combined as
 aforesaid, among some of the persons aforesaid, into only as
 many parts as it may be susceptible as aforesaid of being di-
 vided into, then Baltimore County Court is hereby authoris-
 ed to decree a sale of said residue or any part thereof, as
 aforesaid, and to appoint a trustee for making such sale,
 and the proceeds of sale, after paying commission and ex- ^{Disposition of pro-}
 penses, shall be applied to make up any deficiency in value
 of the respective portions of the property and estate divided
 as aforesaid, to the persons entitled, by virtue of such divi-
 ceeds