

Dec. Ses. 1816 in case of damage done to, or apprehended by, the owner or owners of any land or tenements over or through which said road may pass.

Passed Jan. 30

CHAPTER 154.

An act to authorise the Chancellor, and the several County Courts of this State, to order and decree the Sales of Real Estate of Minors in the cases therein mentioned.

Chancellor, &c. in certain cases, may direct the sale of real estates.

Sec. 1. *Be it enacted by the General Assembly of Maryland,* That where any infant or infants are or shall be possessed of any lands, tenements, hereditaments or real estate, whatsoever, it shall and may be lawful for the chancellor, or for the several county courts within this state, as a court of equity, upon the petition of the guardian or *prochein ami*, of such infant or infants, after summoning such infant or infants, and his appearance by guardian to be appointed by the chancellor, or the county courts as aforesaid, and upon the hearing and examination of all circumstances, and upon its appearing to the said chancellor, or the county courts as aforesaid, that it will be for the interest and advantage of such infant or infants to sell such lands, tenements, hereditaments or real estate, or any part thereof, to order and direct such lands, tenements or hereditaments, or any part thereof, to be sold upon such terms as the chancellor or the county courts as aforesaid may direct.

— to appoint trustees.

2. *And be it enacted,* That the chancellor or county courts as aforesaid, shall have full power and authority to appoint a trustee or trustees for the purpose of making any sale by them directed in pursuance of this act.

Sales to be confirmed by chancellor, &c. — trustees bond

3. *And be it enacted,* That all sales made by the authority of the chancellor or county courts as aforesaid, under this act, shall be notified to, and confirmed by, the chancellor or county courts as aforesaid, and the purchase money for the same shall be paid, before any conveyance of the property shall be made; and bond with good and sufficient security, to be approved by the chancellor or county courts as aforesaid, shall be given by the person or persons empowered to sell property as aforesaid, for the due execution of the trust committed, which bond shall be lodged with the register in chancery, or clerk of the county court as aforesaid; and any person interested in such sale shall have a right to a copy of such bond, and a certificate from the said register, or clerk, under his hand and seal of office; upon which copy and certificate an action may be maintained, in the name of the state, for the use of the party interested and apprehending himself aggrieved; and judgment may be by such party recovered, upon such action, for the damages by him actually sustained, and the plea of *non est factum* shall not be received to any such action, unless the same is verified by the affidavit of the defendant or defendants tendering the same.

Allowance to trustees.

4. *And be it enacted,* That the chancellor, or the county courts, as aforesaid, shall have full power and authority to allow any trustee, who shall make a sale of any real estate by virtue of this law, such commission from one to seven and an half per cent for his trouble in selling thereof, and paying over the same, as the

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