

position to, any such defective deed or conveyance, and in the actual possession of the property so claimed, shall have sold such property to a *bona fide* purchaser for a valuable consideration, and without actual notice of such deed or conveyance; *And provided also*, that this act shall not be construed to effect any compromise or agreement made between any person or persons claiming under such defective deed or conveyance, and the person or persons claiming in opposition to it.

Dec. Ses. 1816

CHAPTER 165.

An act to shut up an old Road in Cæcil County.

Passed Feb. 1.

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That the old post road running from Gray's Hill to the Delaware line, and lying north of the turnpike road leading from Elkton to Christiana, be and the same is hereby shut up, any law to the contrary notwithstanding.

Road to be shut up.

CHAPTER 166.

An act to appoint Trustees for the Sale of the Real Estate of Samuel Robertson, late of Montgomery County, deceased.

Passed Feb. 1.

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That Thomas Davis, William Robertson and John H. Riggs, be and they are hereby appointed trustees, and they, or a majority of them, are hereby authorised and empowered, to make sale of all the real estate of Samuel Robertson, deceased, situate, lying and being, in Montgomery county in this state, in such parts, at such time, and on such terms, as they the said trustees, or a majority of them, shall think most advantageous for the parties concerned; and that the said trustees, before they proceed to act by virtue of this appointment, shall give bond to the state of Maryland, in such penalty, and with such security, as shall be prescribed and approved of by the orphans court of Montgomery county, for the faithful performance of the trust reposed in them.

Trustees appointed.

2. *And be it enacted*, That the said bond shall be filed and recorded in the office of the county court of said county, a copy whereof, under the seal of said court, shall be received in evidence in any court of law or equity in this state; and any person interested in such sale shall have a right to a copy of such bond, paying the usual fees therefor; and an action may be maintained, in the name of the state, for the use of the party interested and apprehending himself or herself aggrieved, and judgment may be by such party recovered upon such action, for the damages by him or her 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.

Bond to be filed and recorded, &c.

3. *And be it enacted*, That any conveyance or conveyances, deed or deeds, made by the trustees aforesaid, or a majority of them, shall be, and the same is hereby declared to be, valid and effectual to pass and convey all the right, title and interest, which the said Samuel Robertson had at the time of his death in and to all the real estate so as aforesaid sold, of which the said Samuel

Deed's made by trustees to be valid.