

ington county, shall have full power and authority to sell and dispose of at public sale, a certain lot or portion of ground situate in the environs of Hagers's-Town, in Washington county, of which the Reverend Solomon Shafer, late of Washington county, deceased, died possessed in fee of, and to convey the same to the purchaser or purchasers by a good and sufficient deed, and to pay over to Eliza Shafer, the mother of the said Charles Shafer, the one seventh part of the amount of such sale, and the residue to be placed out at interest for the use and benefit of the said Charles Shafer, his ward.

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2. *And be it enacted*, That any conveyance or deed made by the said Theobald Eighleberner, pursuant to the directions of the above act, shall and is hereby declared to be valid and effectual in law, to pass and convey all the right, title and interest, both at law and equity, of the said Eliza Shafer, and Charles her son, widow and heir of the Reverend Solomon Shafer, deceased, in and to the premises aforesaid, to the purchaser or purchasers thereof, and the orphans court of Washington county shall allow to the said Theobald Eighleberner, guardian, such sum of money out of the proceeds of said sale for the execution of said trust, as to them seem equitable and just.

Conveyance to be made.

3. *And be it enacted*, That the said Theobald Eighleberner shall return to the orphans court of Washington county, on oath, the amount of the money received for the sale of said lot, and the said sale shall not be valid until the same shall be ratified by the said orphans court.

Amount to be returned to orphans court.

4. *And be it enacted*, That the said Theobald Eighleberner, before he proceeds to act by virtue of this appointment, shall give bond to the state of Maryland, in such penalty as the said court shall prescribe, and with such security as the said court shall approve, for the faithful performance of the trust reposed in him.

Bond.

5. *And be it enacted*, That the said bond shall be filed and recorded in the office of the register of wills for Washington county, and a copy of the said bond, under the seal of office, shall be received in evidence in any court of law or equity in this state, and any person interested in the performance of the condition thereof, 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 in such action for the damages by him or her actually sustained, and the plea of *non est factum* shall not be received in any such action, unless the same is verified by the affidavit of the defendant or defendants tendering the same.

to be filed.

CHAPTER 196.

An act for the benefit of Mary Comegys, and others. Passed Feb. 3.

WHEREAS, it is represented to this general assembly, by the widow and surviving executrix, and the representatives and heirs of Samuel Comegys, late of Kent county, deceased, that some of the heirs of the deceased are now minors, and the personal estate

Preamble.