

issued, commanding a sale of the said property, but before sale thereof, in the month of August last, the said Adam Fisher died, and the collection from that time entirely ceased: And whereas it is represented to this general assembly, that great part of the said balance due to the public remains unpaid by the people charged with the public assessment, and in the hands of the deputies employed in the collection thereof, and that a time being given for the recovery and receipt thereof, and for the sale of part of the estate of the said Adam Fisher, his securities would be indemnified, and the ruin of the securities and their families, and also of the family of the said Adam Fisher, which must take place, on a rigorous sale, would be prevented; and therefore the widow of the said Adam Fisher, and his securities, by their humble petition, have prayed the indulgence of the legislature:

II. BE IT ENACTED, by the General Assembly of Maryland, That on the executors or administrators of the said Adam Fisher giving bond, payable to this state, for the balance of the principal due from the said Adam Fisher for the public assessment, with six per cent. interest thereon from the time it ought to have been paid, with good and sufficient security, to be approved by the commissioners of the tax for Frederick county, and also by the treasurer of the western shore, one third whereof to be paid on or before the first day of June next, one third part thereof on or before the first day of April, seventeen hundred and eighty-nine, and the remaining third part thereof on or before the first day of September, seventeen hundred and eighty-nine, with interest as aforesaid on the respective sums, and lodging the same bond with the treasurer aforesaid, the executors or administrators aforesaid, or such person as they shall appoint, may receive, collect and levy, all sum and sums of money due and owing to the said Adam Fisher as collector of Frederick county, whether the same ought to have been paid in the year seventeen hundred and eighty-four, or any preceding year, or arse due for the public or county assessment, and for that purpose shall be vested with all and the like powers and authorities as the said Adam Fisher might by law at any time exercise to compel payment of the public or county assessment in his county; and the executors or administrators aforesaid, or such person as they shall appoint, shall have the same remedy in every respect against the deputies, receivers and agents, employed by the said Adam Fisher, as he himself might lawfully have had, notwithstanding any lapse of time, and may proceed to execution and satisfaction for any monies due from any of them without *scire facias*; and the orphans court of Frederick county is hereby empowered and directed, on application of the said executors, administrators, or person appointed by them as aforesaid, to issue a summons for any person or persons, on probable cause shewn to the said court, to be and appear in the said court, and may examine such person or persons on his or their corporal oath, touching any money, bills of credit or certificates, received by the said Adam Fisher, or any other person for him as collector, and remaining in his possession at the time of his death, and may order the same, if in being, and within the power of any such person, to be delivered up to the executors, administrators, or person appointed as aforesaid, to the end the same may be applied to the purpose for which it was collected; and any certificate remaining in the possession of the said Adam Fisher at the time of his death, which might and ought to have been received in discharge of assessment, shall be received towards payment of the balance, on the affidavit of some credible person conversant in the affairs of the said Adam Fisher being lodged therewith, that the same certificate was, to the knowledge or belief of such person, received on account of the public assessment; and the executors or administrators aforesaid shall be entitled to the like allowances, and to be made in the same manner, as the said Adam Fisher would have been entitled, and the same shall be discounted out of the bond to be given by them as aforesaid.

Executors, on giving bond, may collect, &c.

III. AND, whereas it may be necessary that there should be a sale of the real estate of the said Adam Fisher, or of some part thereof, to raise money towards the payment of the said balance, BE IT ENACTED, That the executors or administrators may, if necessary, with the approbation of the orphans court of Frederick county, sell any part, or even the whole, of the real estate of the said Adam Fisher, for the purpose aforesaid, and convey the same, on the purchase money being paid, provided a general state of the affairs of the said Adam Fisher be previously exhibited to the orphans court of Frederick county in writing, shewing, in the judgment of that court, the necessity of such sale, with the terms thereof.

And sell A. Fisher's real estate, &c.

IV. AND BE IT ENACTED, That the same remedy and proceedings shall be had on any bond to be given in pursuance of this act as may or might by law be had on the bond of the said Adam Fisher as collector aforesaid; and on the said bond being given, approved, and lodged with the treasurer as aforesaid, and the payment of all costs, the bond of the said Adam Fisher as collector aforesaid, and all proceedings at law thereon, shall be discharged as to any other intent than for the benefit of the persons giving a new bond to bind the estate of the said Adam Fisher for their indemnity; provided, that if such bond as aforesaid shall not be given by the executors or administrators of the said Adam

Same remedy may be had, &c.