

C H A P.
V.

ment, in the presence of two witnesses only; by which said instrument of writing the said John Cornthwaite did will and desire, that the aforesaid David Brown and Henry Wilson, whom he appointed his executors, should sell such parts of his real estate, which, together with the debts due him, might be sufficient to pay off and settle all claims against him; but that the powers intended to be vested in them the said David Brown and Henry Wilson ceased to take effect, on account of the said will not being executed according to the statute of frauds and perjuries; And whereas the said David Brown and Henry Wilson, by their petition to this general assembly have set forth, that the personal estate of the said John Cornthwaite is by no means sufficient to discharge the debts due from the deceased, and that great injury will arise to the creditors of the said John Cornthwaite, unless such parts of the real estate of the testator should be sold, as might be sufficient to discharge the said debts; and therefore they pray that a law may pass to enable them, the said David Brown and Henry Wilson, to sell so much of the real estate of the said John Cornthwaite, deceased, as will be sufficient to discharge the residue of his lawful debts; and it appearing that notice was given by the said David Brown and Henry Wilson, that they intended to petition the general assembly for an act to empower them to sell and dispose of as much of the real estate of the said John Cornthwaite, deceased, as would enable them to pay the just debts of the aforesaid deceased:

Part of real
estate to be
sold, &c.

II. *Be it enacted, by the General Assembly of Maryland,* That the said David Brown and Henry Wilson, or the survivor of them, be, and they are hereby empowered to sell, at public vendue, such part and parts of the real estate left by the said John Cornthwaite, deceased, at the time of his death, situate in Baltimore county or elsewhere, as will be sufficient, together with the testator's personal estate, to pay off and discharge all just claims and demands against the said deceased, (on their giving six weeks notice in the Baltimore news-paper before such day of sale) to the highest bidder or bidders, in current money; and they are hereby further empowered to execute a deed or deeds of conveyance to such purchaser or purchasers, and the money arising from such sale shall be appropriated to the sole use of paying and discharging the residue of the claims against the estate of the said John Cornthwaite, deceased, and the overplus, if any, shall be paid over to the legal representative, or representatives of the said John Cornthwaite, deceased; which appropriation and distribution shall be finally settled and adjusted by the orphans court of Baltimore county, they the said David Brown and Henry Wilson giving such security as the justices of the orphans court of Baltimore county may require, for the faithful execution of the trust by this act vested in them, before they proceed to the sale of any part of the said real estate.

At different
periods, &c.

III. *And be it enacted,* That the said real estate, or any part thereof, shall be sold at different periods of payment, not exceeding two years nor less than six months, on giving bond with good security for the payment.

Provido.

IV. *Provided always,* That the rights of the infant heirs of the said John Cornthwaite, to shew cause against this act within twelve months after their arrival to the age of twenty-one years, shall be saved.

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