

C H A P.  
XXVII.  
In certain  
cases a trial to  
be had the  
first court, &c.

VIII. **And be it enacted,** That in case any suit shall be instituted for the recovery of any sum or sums of money in virtue of this act, if the said commissioners, or the survivors of them, shall file a short note, expressing the ground of the action, at least twenty days before the sitting of the court, and cause a copy thereof to be served on the defendant, or left at his last place of abode, the parties shall proceed to trial at the court to which the writ shall be returnable, and no imparlance or appeal shall be allowed.

Damages to  
be first paid,  
&c.

IX. **And be it enacted,** That the streets aforesaid shall not be extended or opened through the property of any individual injured thereby, until the damages by them sustained, and assessed as aforesaid, shall be first paid, or secured to be paid to their satisfaction, together with legal interest thereon from the time of ascertaining the damages by them respectively sustained.

C H A P. XXVIII.

Passed De-  
cember 22.

An ACT for the benefit of Judith Wallace, and her children, of Charles county.

Preamble.

**W**HEREAS it is represented to this general assembly, by Judith Wallace, of Charles county, that her husband, John Wallace, died intestate in the year 1789, leaving five infant children, three sons and two daughters: And whereas it is also represented, that the said John Wallace, at the time of his death, was seized and possessed, in fee-simple, of a tract of land, situate in Cedar-Point neck, in Charles county aforesaid, containing eighty or ninety acres, divisible amongst all his children, and that the said land is rich and level, but entirely destitute of timber and firewood, and that the expence of procuring and purchasing said articles exhausts the annual profits of the said land; and the facts set forth appearing to this general assembly to be true: And whereas the said Judith Wallace has prayed this general assembly, in her own behalf and that of her children, and that an act may pass, appointing, authorising and empowering trustees to sell and convey the said land, and apply the money arising from the sale thereof to the purchasing of other lands which may better answer the purposes and interest of the said Judith Wallace and her children; and this general assembly deeming the prayer thereof reasonable,

Justices to ap-  
point a trust-  
tee, &c.

II. **Be it enacted,** by the General Assembly of Maryland, That the justices of Charles county court are hereby empowered and required to appoint a trustee or trustees, with full power and authority to sell and convey the said tract of land, in fee-simple, and to purchase, in fee-simple, other lands to the amount of the money arising from the sale of the land herein before ordered to be sold and conveyed; which said land, when purchased, shall be conveyed by the said trustee or trustees to the children of the said John Wallace, deceased, to wit: William, James, Robin, Anne and Elisabeth: Provided, that the said trustee or trustees, before he or they proceed to act, shall give bond to the state of Maryland, with such security as the said court shall approve of, conditioned for the true and faithful performance of the trust reposed in them by this act; which said bond, on a breach of the said condition, shall be liable to be sued and proceeded on, for the use and benefit of the said Judith Wallace, and her said children, or any of them, in the same manner that testamentary bonds are proceeded on by the law of this state.

Children to  
be seized of  
same estate,  
&c.

III. **And be it enacted,** That the said William, James, Robin, Anne, and Elisabeth Wallace, shall be seized and possessed of the same estate, interest and property, in and to the land so purchased and conveyed to them by the said trustee or trustees, as they are invested with and have in the lands by this act ordered to be sold and conveyed; and the said Judith Wallace shall have the same right of dower in the lands so purchased and conveyed by the said trustee or trustees, that she is now entitled to in the land which descended from her late husband to her said children.