

JOHN H. STONE, Esquire, Governor.

1794.

V. And be it further enacted, That if any person be sued or impleaded for performing or doing any thing by this act required, the defendant may plead the general issue, and give this act and the special matter in evidence.

C. H. A. P. XXXII. Persons sued may plead, &c.

C. H. A. P. XXXIII.

An ACT for the benefit of Thomas Clark.

Passed December 26.

WHEREAS a bill passed both branches of the legislature at November session, seventeen hundred and ninety-three, entitled, An act for the benefit of Mariamne Craik Clark and Mary Clark, which said act was in the following words, to wit: "An act for the benefit of Mariamne Craik Clark and Mary Clark. Whereas Eleanor Clark, widow of doctor David Clark, late of Prince-George's county, and Thomas Clark, brother of said doctor Clark, by their petition to this general assembly have represented, that the said doctor Clark has left two small female children, Mariamne Craik Clark and Mary Clark, and by his last will and testament appointed the said Thomas Clark his executor, and guardian to his said children; that the said doctor Clark was seized, at the time of his death, of only a small quantity of land, very insufficient to employ to advantage the number of negroes of whom he died possessed; and have prayed that the said Thomas Clark may be empowered to sell the said negroes; and it appearing to this general assembly that it would be greatly conducive to the interest of said infants to sell the said negroes, or such part thereof as to the said trustee herein after appointed may seem expedient, Be it enacted, by the general assembly of Maryland, That Thomas Clark be and he is hereby authorized and empowered to sell the personal property of the said Mariamne Craik Clark and Mary Clark, the minors, or such part thereof as it shall appear to him most advantageous to the said minors to sell, on two years credit, first giving notice in the Maryland Gazette and George-town paper, the purchasers giving bond, with good security, to be approved by the orphans court of Prince-George's county, for the benefit of the said minors, and the money arising from the same to be appropriated to the use and benefit of the said minors; provided always, that the said trustee herein nominated shall, before he makes sale of the personal property aforesaid, enter into bond, payable to the said minors, in such penalty, and with such security, as the justices of the orphans court of Prince-George's county shall direct, well and faithfully to account annually, before the orphans court aforesaid, for the net proceeds of the said sales, and in all other respects to conform himself to the directions contained in an act of assembly passed at November session, one thousand seven hundred and eighty-five, entitled, An act to alter and amend the law in certain cases, and at the arrival at age of the said minors respectively, well and truly to pay the balance that shall appear to be due, to such minor; and the said bond, when taken, shall be recorded among the records of the orphans court of said county, and the original kept safely among the original papers of said court:" And whereas the said bill was, after its passage, lost or mislaid, so that it could not obtain the signature of the governor, or the seal of the state, at the close of the said session; but the said Thomas Clark, having obtained a copy of said bill after its passage, and having complied with all the previous requisites directed thereby, had proceeded to carry into effect the powers therein conferred, by selling such part of the personal estate aforesaid as it appeared most expedient to sell, before he could be informed of the accident which had befallen the said bill: And whereas the said Thomas Clark is advised, since the passage of the bill above recited, that Eleanor Clark above mentioned, the widow of the said doctor Clark, is devisee under his will, during her widowhood, of all the estate, real and personal, of the said doctor Clark; therefore,

Preamble.

II. Be it enacted, by the General Assembly of Maryland, That all things right-fully done by the said Thomas Clark, pursuant to the directions of the said bill above recited, shall be and they are hereby confirmed; provided always, that nothing in the said recited act, or this act, contained, shall be construed to affect the right of the said Eleanor Clark, devisee as aforesaid, to claim and receive from the said Thomas Clark the whole amount of interest which shall annually become due on the bonds taken, or money received, for the sales of the property of

Things done, confirmed, &c.