

XI. AND BE IT ENACTED, That in case any cause in the court of appeals of either shore shall be under rule argument, and one of the parties shall die after such cause shall be put under rule argument, having an attorney in court, the said cause shall not abate, nor shall his, her or their death be suggested on the record, and that the court of appeals may give judgment as if such deceased party were alive, and the judgment shall have the same effect as if it had been rendered or given in favour of or against the deceased; provided nevertheless, that the heir, executor or administrator, as the case may be, of such deceased party, may, if he thinks proper, appear to, and become a party in, the said cause, in the place and stead of the deceased party, whose death, in such case, shall be suggested; and the bond which any appellant, who may die pending any appeal or writ of error standing under rule argument, shall have executed for the prosecuting an appeal, or suing forth a writ of error, and the securities therein, shall be liable and answerable to the appellee, his executors, administrators or assigns, for the due prosecution of the said appeal or writ of error, agreeably to the condition of the said bond, in the same manner as if the appellant were alive at the time of rendering any such judgment.

C H A P.
XC.
Certain causes shall not abate, &c.

C. H. A. P. XCI.

An ACT authorising the collection of certain ground-rents due on lots in the town of Cumberland, in Allegany county.

Passed 4th of Jan. 1807.

WHEREAS Thomas Beall, of Samuel, has represented to this general assembly, that many years back he laid out a number of lots at the mouth of Will's creek, in Allegany county, and which have been since erected into a town, called Cumberland; that the whole or greater part of said lots were sold and conveyed by deeds, reserving to the grantor one dollar as an annual ground-rent, to be paid quarterly; that a great many of the persons so buying and receiving titles, has since removed to a distance, leaving the said lots unimproved, so that it becomes impossible for the said Beall to collect or enforce the payment of his ground-rents, and the improvement of the town also greatly retarded, from the lots being so incumbered to a greater amount than their value; for remedy whereof,

Preamble.

II. BE IT ENACTED, by the General Assembly of Maryland, That it shall and may be lawful for the said Thomas Beall, of Samuel, in all cases where conveyances for any lot or lots in the said town of Cumberland have been made by him, on which there are no improvements, and which stand covered with, and indebted to him for, ground-rent, to offer the same at public sale to the highest bidder, upon a credit of sixty days, and upon the money being paid, to convey, by deed, the lots thus sold to the respective purchasers, and the titles or conveyances thus made shall be good and available in law against the said Beall, and against the person or persons claiming under the deed or deeds by which the rents were reserved to the said Beall; provided nevertheless, and it is hereby made the duty of the said Beall, before any sale shall take place as above authorised, first to give eight months notice in the National Intelligencer, in the Washington Federalist, and in any two papers published in Baltimore, pointing out the day of sale, and requiring all persons holding lots in the said town of Cumberland on which ground-rents are due as above, to come forward, on or before said day, and discharge the same, otherwise they will then be sold as by this act is directed.

Lots may be offered at public sale, &c.

III. AND BE IT ENACTED, That where any lot shall sell for more than the ground-rent claimed, the same shall be paid over to the clerk of Allegany county, to be held for the use of, and until called for by, the person, or his heirs, claiming under the title originally made by said Beall for the said lot; and it is hereby made the duty of the said Thomas Beall, before he proceeds to sell as aforesaid, to lodge with the clerk of the county, upon oath, a statement of the amount of rents claimed by him, and due upon each lot respectively he may be authorised to sell under this act, together with a copy of the advertisement, to satisfy and shew, that the notice hereby required shall have been duly given.

Balance to be paid over, &c.

IV. AND BE IT ENACTED, That where any lot or lots shall be sold under this act as before directed, the person or persons holding or claiming under the first or original conveyance made by said Beall for any of the said lots, shall have the privilege of redeeming the same at any time within two years from the day of sale, by paying to the purchaser the sum, with interest, he may have paid for, and purchase any of the said lots at, and upon the money being so paid to him, shall thereupon convey the same to the person claiming and paying under the privilege hereby granted; provided nevertheless, that where any lot or lots purchased under this act shall have been built upon, or otherwise improved, the buildings or improvements so made shall be paid for by the person claiming, together with the purchase money as above, before conveyance shall be made, and the value of

Persons claiming may redeem their lots, &c.