

C H A P. CXXXVIII. faithful performance of the trusts in them vested by this act of assembly, and for a compliance with all and every part thereof.

IV. AND BE IT ENACTED, That the said trustees, or the survivor of them, shall, as soon as conveniently may be after the said sale, return a just and true account thereof to the orphans court of Baltimore county, there to be recorded, and shall yearly, and every year, render an account of their proceedings to the said orphans court, to be by them approved of and passed.

V. AND BE IT ENACTED, That the monies arising from the said sale shall be applied in the following manner; that is to say, to pay off and discharge the balance of such debts as the personal estate is insufficient to pay, and the residue thereof, if any, shall be invested by the said trustees, or the survivor of them, in such funds or bank stock of the state of Maryland, bearing interest, as they, or the survivor of them, may deem most beneficial for the interest of those concerned, and one third part of the said interest or annual proceeds from said funds or bank stock, shall be paid to the said Elizabeth M'Elderry, the widow, during her natural life, and the interest or annual proceeds of the remaining two thirds shall be equally appropriated and applied by the said trustees, or the survivor of them, to the support, education and maintenance, of the representatives and heirs of the late Thomas M'Elderry, till their respective arrival at age.

VI. AND BE IT ENACTED, That the said trustees, or the survivor of them, on the arrival of full age of the children and immediate representatives of the said Thomas M'Elderry, shall account with and pay to them respectively, their proportions of the said two thirds of the nett proceeds aforesaid, and on the death of the said Elizabeth M'Elderry, the widow, the said trustees, or the survivor of them, shall also account with and pay to the children or representatives of the said late Thomas M'Elderry, the remaining third part of the said proceeds of the said real estate appropriated and allotted to the said Elizabeth, the widow, during her natural life aforesaid.

VII. AND BE IT ENACTED, That the proceeds of the said real estate shall revert and descend among the legal representatives and heirs of the late Thomas M'Elderry in case of their death, or the death of either of them, before their arrival at the age of twenty-one years, in the same manner as the said real estate would have reverted and descended provided this act of assembly had not passed for the sale thereof.

VIII. AND BE IT ENACTED, That in case of the death of the said trustees, or either of them, before the final completion of their trust, the orphans court of Baltimore county shall have full power and authority to nominate and appoint one or more trustees, who are hereby invested with full power to carry into effect the objects and provisions herein contained, on giving such security for the faithful performance of their trust as is herein before directed to be given by the trustees aforesaid.

IX. AND BE IT ENACTED, That the said Elizabeth M'Elderry, John M'Elderry and Thomas M'Elderry, or the survivor or survivors of them, be and they are hereby authorised and empowered, as trustees, to make and execute leases for ninety-nine years, renewable for ever, with such covenants and upon such conditions as are most usual in similar cases in the city of Baltimore, reserving such rents as may be agreed upon, for any vacant and unimproved lots of ground on the real estate of the said late Thomas M'Elderry in the city of Baltimore, or the precincts thereof; and the said trustees, or the survivors or survivor of them, shall and may from time to time fill up, pave and improve, any such wharf, street, lane or alley, and the real estate of the said Thomas M'Elderry, in the city of Baltimore, or the precincts thereof, in the manner regulated by law, as the orphans court of Baltimore county may direct and approve.

X. AND BE IT ENACTED, That the said Elizabeth M'Elderry, John M'Elderry and Thomas M'Elderry, shall once in every year, or oftener if required, settle an account with the orphans court of Baltimore county of all profit and increase of the estate which may by them have been leased by virtue hereof, in like manner as guardians are required by law to account for the profits of any real estate which they may have in charge; and before the said Elizabeth M'Elderry, John M'Elderry and Thomas M'Elderry, shall proceed to lease or improve any of the real estate of the said Thomas M'Elderry, as herein before mentioned, they shall give bond, payable to the state of Maryland, to such an amount, and with such sureties, as the orphans court of Baltimore county shall approve, conditioned for the faithful performance of the trusts in them vested by this act for the purpose of leasing and improving the said real estate of the said late Thomas M'Elderry.