

C H A P.
XXXVI.

no credit allowed by the arbitrators, or by securing the same as directed by them, in manner as shall be awarded, it shall and may be lawful for the general court for the western shore, or Anne-Arundel county court, and they are hereby required, on motion of the said William Whetcroft, his executors or administrators, and on proof that the said Edward Dorsey has had thirty days notice of such intended motion, to enter up judgment against the said Edward Dorsey for the sum awarded and costs, with privilege to take out execution, according to the time or times of payment mentioned in the award, if any sum shall be awarded and any credit be allowed for the same; and it shall, in such case, be sufficient for the said William Whetcroft to produce the said award, and file a copy thereof, without any declaration; provided, that if the said Edward Dorsey shall allege, during the term at which such motion shall be made, that he hath paid any part of the money awarded since the making of the award, he shall have an opportunity, during such term, of trying such allegation by a jury, and if any payment shall be found by the verdict, the same shall be discounted and allowed.

In case of
death, execu-
tors to be en-
titled, &c.

VIII. **And be it enacted,** That if the said William Whetcroft should die before or after the making of the said award, the executors or administrators of the said William Whetcroft shall be entitled to all the benefits and provisions of this act, in as full and ample manner as the said William Whetcroft might or could have the same if living; and if the said Edward Dorsey should die before or after the making the said award, his heirs, executors or administrators, shall be subject to all the provisions of this act, and also be entitled to all the benefits thereof, in the same manner as the said Edward Dorsey, if living, would be subject or entitled to, except only that the executors or administrators of the said Dorsey, in being subject to the summary proceeding herein before given to the said Whetcroft, his executors or administrators, shall only be answerable so far as they may have assets liable to Whetcroft's claim, and shall have time allowed to plead, and have the benefit of any plea necessary to protect them against a further responsibility.

On compli-
ance, act re-
pealed, &c.

IX. **And be it enacted,** That upon compliance of the said Edward Dorsey, his heirs, executors or administrators, with the terms of the award to be made in virtue of this act, the act of assembly aforesaid, entitled, An act for the relief of William Whetcroft, of the city of Annapolis, shall be and it is hereby repealed, and the lease executed in pursuance thereof, and all right and title derived under the same, and all covenants therein contained, shall be and they are hereby vacated, annulled, and for ever made void, and shall be so considered and taken in all courts of law and equity in this state: Provided always, that unless the said award shall be made before the first day of November next, all and every power and authority given to the arbitrators to be nominated and appointed in virtue of this act, and this act, and all and every of its provisions, shall cease and determine, and if, before that time, the said award shall be made, but not complied with before the end of three months from its date, by the said Edward Dorsey, or his heirs or representatives, by delivering the money or bonds, if any shall be awarded, to the said Whetcroft, or his assigns, or lodging the same with the treasurer of the western shore for the use of the said William Whetcroft, he the said William Whetcroft shall be at liberty, either to compel compliance with the said award, in the summary manner herein before directed, or otherwise, or to resort to his claim under the lease aforesaid; and if the said William Whetcroft shall elect to compel compliance with the said award, and shall accordingly obtain the same, then the act, entitled, An act for the relief of William Whetcroft, of the city of Annapolis, shall be and it is hereby repealed, and the lease and covenants aforesaid, and all right and title derived under the same, shall be vacated and annulled as aforesaid; but if the said Whetcroft, in consequence of his the said Dorsey's refusing to comply with such award to be made as aforesaid, shall elect to pursue his claim under the said lease, and shall accordingly pursue the same, then this act, and every part thereof, and every provision therein contained, shall cease and determine.