

that the said books, writings or papers, contain material and necessary evidence, and that such party cannot safely proceed to the trial of his, her or their case, without the benefit of such testimony.

CHAPTER 101.

AN Act for amending, and reducing into system, the laws and regulations concerning last wills and testaments, the duties of executors, administrators and guardians, and the rights of orphans and other representatives of deceased persons.

Supplements are, 1802, ch. 101; 1804, ch. 78; 1807, ch. 136; 1809, ch. 168; 1810, ch. 34; 1813, ch. 165; 1816, ch. 154, 203; 1817, ch. 178; 1818, ch. 204, 217; 1819, ch. 167; 1820, ch. 80, 174; 1821, ch. 156; 1823, ch. 131; 1824, ch. 202; 1825, ch. 119, 160; 1827, ch. 77, 210; 1829, ch. 216; 1830, ch. 99; 1831, ch. 305, 318; 1832, ch. 170; 1833, ch. 15; 1834, ch. 73, 228; 1836, ch. 224, 269. (1834, ch. 291; 1836, ch. 192: neither of these laws are indexed in the acts of the year, nor in any of the public indexes.)

Preamble. **WHEREAS** the laws and regulations relative to the estates of deceased persons, comprehending a great variety of subjects, and interesting to citizens of every description, not only are become complicated and difficult to be understood, but are found by experience to be greatly inadequate to the purposes for which they were framed;

Every former provision, &c. repealed. **SEC. 2.** *Be it enacted, by the General Assembly of Maryland,* That every provision, rule or regulation, contained in any act of assembly heretofore passed, or in any English statute introduced, used or practised under, in this state, which is inconsistent with, or repugnant to, any thing contained in this act, be and it is hereby repealed and rendered utterly void and of no effect.

Rules, &c. to be the law of the land. **SEC. 3.** *And be it enacted,* That the following rules, orders and regulations, shall be taken, held and considered, in all courts, tribunals and offices, and by all judges, justices and officers in this state, to be the law of the land.

CHAPTER I.

How wills shall be made, and their effect. **SEC. 1.** All lands, tenements and hereditaments, which might pass by deed, or which would, in case of the proprietor's dying intestate, descend to, or devolve on, his or her heirs or other representatives, except estates tail, shall be subject to be disposed of, transferred and passed, by his or her last will, testament or codicil, under the following restrictions.

SEC. 2. No will, testament or codicil, shall be effectual to create any interest or perpetuity, or make any limitation, or appoint any uses, not now permitted by the constitution or laws of the state.

SEC. 3. No will, testament or codicil, shall be good and effectual for any purpose whatever, unless the person making