

SEC. 5. *And be it enacted*, That it shall be in the power of the several orphans courts in this state, whenever a distribution of specific articles is to be made, to appoint two disinterested persons, not in any way related to the parties concerned, to make such distribution among the persons entitled, as to them shall seem meet and proper, or if, in their opinion upon a view of such specific articles, no distribution among the persons entitled could be by them made, which should operate equally, but that a sale thereof would be more advantageous to the parties concerned, they shall return to the orphans court their opinion, in writing, and the court shall thereupon order a sale of such articles, upon reasonable notice, and cause the proceeds of such sale to be equally distributed among the parties entitled.

Court to appoint two disinterested persons to make distribution of specific articles, &c.

SEC. 6. *And be it enacted*, That in all cases where the validity of a will is or shall be contested, letters of administration pending such contest may, at the discretion of the orphans court, be granted to the person named executor, or to the person to whom the largest portion of the personal estate may be bequeathed in such contested will, or to the person who would be entitled to letters of administration by law as in cases of intestacy; *Provided always*, that upon a decision had on such contested will, the same proceedings shall be had, and the same rules apply, as to the completion of the administration, according to the circumstances of the case, as are prescribed by the fifth chapter of the act to which this is a supplement.

Where validity of a will is contested, letters of administration may be granted to persons named as executors. *Proviso.*

### CHAPTER 63.

A further SUPPLEMENT to the Act,\* entitled, an Act relating to Negroes, and to repeal the acts of Assembly therein mentioned.

\* 1796, ch. 67.

See notes to the original act, ante page 334.

SEC. 1. *Be it enacted, by the General Assembly of Maryland*, That any court, or any judge or justice of this state, before whom any negro or mulatto shall be brought as a runaway, shall be satisfied, by competent testimony, that the said negro or mulatto is not a runaway, before it shall be lawful for the said court, judge or justice, to discharge the said negro or mulatto from the custody of the person or persons detaining the said negro or mulatto as a runaway, otherwise than by a commitment to the gaol of the county of which he is judge or justice.

Court or judge before whom any negro is brought as a runaway, must be satisfied that said negro is not a runaway, before he shall discharge him.

SEC. 2. *And be it enacted*, That upon any petition for freedom now depending, or hereafter to be brought, or upon any writ of *homine replegiando*, now depending, or hereafter to be brought, in any county court of this state, or in the court of oyer and terminer and gaol delivery for Baltimore county,\* provided a jury has not been empannelled in the case, it shall and may be lawful for such county court, or court of oyer and terminer and

In certain cases record may be transmitted to a different county than that in which petition was filed.