

CHAP. 34.

No devise, &c. to lapse by death of any devisee named in will, &c.

4. AND BE IT ENACTED, That from and after the passage of this act, no devise, legacy or bequest, shall lapse or fail of taking effect by reason of the death of any devisee or legatee named in any last will or testament, or any codicil thereto, in the life-time of the testator, but every such devise, legacy or bequest, shall have the same effect and operation in law to transfer the right, estate and interest, in the property mentioned in such devise or bequest, as if such devisee or legatee had survived the testator.

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

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.

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

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 a supplement.

Proviso.

CHAP. XXXV.

Passed Dec 23.
Preamble.

An Act for the relief of Edward L. Miles. Lib. TH. No. 2, fol. 464.

WHEREAS it is represented to this general assembly, by the petition of Edward L. Miles, of the district of Columbia, that he removed from Charles county to the district of Columbia, about four years since, and that he lately visited his friends in said county, and soon after his being there was arrested for debt and committed to gaol, and that he is at this time in close confinement, and praying a special act of insolvency may pass in his favour; and this general assembly believing the facts therein stated to be true, therefore,

Benefit of insolvent laws may be extended to him

2. BE IT ENACTED, by the General Assembly of Maryland, That the judges, or any judge, of Charles county court, be and they, or any one of them, are hereby authorised and directed, to extend to Edward L. Miles the benefit and relief of the act of assembly, passed at November session, eighteen hundred and five*, entitled, An act for the relief of sundry insolvent debtors, and the several supplements thereto, without compelling him to produce any evidence of his having resided within the state of Maryland for the two years last previous to his application for the benefit thereof, in

* Ch 110.