

C H A P. XXIV.

An ACT relating to the estates of deceased persons.

**B**E it enacted, by the general assembly of Maryland, That where any gold or silver, in coin or plate, shall belong to the estate of any deceased person, the same shall not be appraised, but shall be returned in the inventory, and the weight of the plate and the species of the coin particularly mentioned.

Gold or silver not to be appraised, &c.

II. **And**, whereas doubts have arisen about the extent of the jurisdiction of the orphans court, and great injustice may be done to widows and orphans, for want of proper powers in those courts; **Be it enacted**, That the several orphans courts throughout this state, in all cases where the estate of deceased persons is in debt, may direct a sale of the whole personal estate, or such part thereof as may be sufficient to pay debts, and in all cases of distribution, they may direct a sale of the goods and chattels of the deceased, or a distribution in specie, at the election of the parties concerned, if they or their guardians shall desire the same, and if no election be made, or the parties concerned in interest differ in opinion, then in all such cases the said justices may direct a sale of the whole or a part of such personal estate, or a distribution in specie, at their discretion; and in all cases of distribution in specie, there shall be a re-appraisement, wherein regard shall be had to the value ascertained by the first appraisement, and all the personal estate (gold or silver coin included) is hereby subjected to such distribution in kind, any law or custom to the contrary notwithstanding.

Orphans court may direct a sale of personal estate, &c.

III. **And**, whereas it is represented to this general assembly, that in many instances the personal estates of deceased persons have been appraised in current money, and afterwards sold by the executor or administrator at the current prices, whereby creditors and orphans have been defrauded; **Be it enacted**, That where any personal estate has been appraised since the first day of March, seventeen hundred and seventy-seven, in current money, or where any estate was appraised before that time, and distribution thereof has not yet been made, and in all estates hereafter to be appraised as aforesaid, if any part of such estates have been or shall be sold, the executor or administrator shall be answerable for the amount of the sales, and accountable therefor to the creditors or legal representative of their testator or intestate; and if hereafter any part of the personal estate of any deceased person shall be sold, the executor or administrator shall be answerable and accountable as aforesaid for the amount of the sales.

Executors, &c. answerable for the amount of the sales, &c.

IV. **And**, whereas it may happen that the chancellor is or may be interested in cases where bills in chancery may properly lie: **And** whereas the person appointed chancellor may have been concerned as council in causes depending in the chancery court, **Be it enacted**, That in such cases, application may be made by bill or petition to the general court, who may hear and determine such causes, and an appeal may lie in such cases from the decree of the general court to the court of appeals, who may hear and determine in the same manner as on appeal from the chancery court.

Application may be made to general court in certain cases, &c.

V. **And** be it enacted, That if any person shall hereafter depart this life, leaving an estate more than sufficient to pay all his debts, such person may settle his or her estate by will, and may direct that the same shall not be appraised; and in such case, if the executor will give bond in sufficient security, to pay all debts due from his testator, to pay and satisfy all legacies contained and specified in the will of his testator, as far as the goods, chattels and credits, of his testator will thereunto extend, and well and truly to perform and fulfil the will of the deceased, he shall not be obliged to have such estate inventoried and appraised.

Persons may direct their estates not to be appraised, &c.

VI. This act to continue for three years, and until the end of the next session of assembly which shall happen after the expiration of the said three years.

Continuance.

Continued for three years, &c. by the act of November, 1782, ch. 32, and for seven years, &c. by the act of 1785, ch. 77.