

peal are waived. If counsel prosecuting the appeal on behalf of the defendant has been appointed as such counsel by the court making the order appealed from or by the Court of Appeals, the Court of Appeals may allow him a fee in an amount which the Court shall think proper for his services in the appeal, the fee to be paid by the political sub-division.

SEC. 4. *And be it further enacted, That this Act shall take effect June 1, 1960.*

Approved March 23, 1960.

CHAPTER 44

(House Bill 15)

AN ACT to add new Section 197A to Article 16 of the Annotated Code of Maryland (1957 Edition), title "Chancery", sub-title "Trustee", to follow immediately after Section 197 thereof, to modify and clarify the Rule against Perpetuities, concerning generally the disposition of property, real or personal passing by will or deed of trust where the ultimate taker is to be determined upon the death of certain living persons.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That new Section 197A be and it is hereby added to Article 16 of the Annotated Code of Maryland (1957 Edition), title "Chancery", sub-title "Trustee", to follow immediately after Section 197 thereof, and to read as follows:*

197A.

(a). In applying the rule against perpetuities to an interest in real or personal property limited to take effect at or after the termination of one or more life estates in, or lives of, persons in being when the period of said rule commences to run, the validity of the interest shall be determined on the basis of facts existing at the termination of such one or more life estates or lives. In this section an interest which must terminate not later than the death of one or more persons is a "life estate" even though it may terminate at an earlier date.

(b) If an interest in real or personal property would violate the rule against perpetuities as modified by subsection (a) of this Section because such interest is contingent upon any person attaining or failing to attain an age in excess of twenty-one, the age contingency shall be reduced to twenty-one as to all persons subject to the same age contingency.

(c). This section shall apply to both legal and equitable interests.

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

Strike out indicates matter stricken out of bill.