

# TESTAMENTARY SYSTEM.

In COUNCIL, February 14, 1797.

**O**RDERED, That the Testamentary System reported by the Chancellor, in pursuance of the request of the Legislature, be printed, for consideration, with the acts of assembly of the last session, agreeably to a report of a committee on that subject.

By order,

N. PINKNEY, Clk. Council.

A Bill, entitled, 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.

**W**HEREAS 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;

II. 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under, in this state, which is inconsistent with, or repugnant to, any thing contained in this act, be and it is hereby repealed and rendered utterly void and of no effect.

III. 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.

C H A P. I.

*How wills shall be made, and their effect.*

1. **A**LL lands, tenements, hereditaments, goods, chattels, personal estate, property, rights and interest, 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.

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.

3. No will, testament or codicil, shall be valid and effectual to any purpose whatever, unless the same be in the language of this state, or in Latin or French, or in the native language of the party making the same; provided, that any figures or characters generally used to express numbers, if found in any will or codicil, shall stand in the place of the words they shall appear to be intended to represent.

4. No will, testament or codicil, shall be good and effectual for any purpose whatever, unless the person making the same be, at the time of executing or acknowledging it as hereafter directed, of sound and disposing mind, and capable of executing a valid deed or contract. No will, testament or codicil, shall be good and effectual to pass any interest or estate in any land, tenement, or incorporeal hereditament, unless the person making the same, if a male, be of the full age of twenty-one years, and if a female, of the full age of eighteen years.

5. No will, testament or codicil, shall be good and effectual for any purpose whatever, unless the person making the same, if a male, be of the full age of eighteen years, and if a female, of the full age of sixteen years.

6. No