

C. H. A. P.  
C.

To be considered as light infantry, &amp;c.

XXXIII. AND BE IT ENACTED, That each of the said companies shall hereafter be considered as the light infantry company attached to their respective regiments, but the governor and council shall not be confined to the light infantry companies, as now existing, for selecting the officers to command the said companies; and the lieutenant-colonel shall, upon the appointment of any officers to the command of the said companies, remove the officers now commanding the light infantry companies to supply the vacancies occasioned by the appointment to the select companies.

And may be ordered out, &amp;c.

XXXIV. AND BE IT ENACTED, That the select companies of infantry, or such and so many of them as the commander in chief of the militia of this state shall think requisite, may at any time by him be ordered into service, without any draught made, and when called into service shall be subject to the rules and regulations of the articles of war, and when in actual service shall be entitled to the same pay, rations, as troops in the service of the United States.

Any part may be ordered on service, &amp;c.

XXXV. AND BE IT ENACTED, That in case of insurrection within, or invasion of, any part of this state, the said troops, or any of them, may be ordered on service by the brigadier-general, or major-general of the district in which said troop is raised; but no militia officer, other than the commander in chief of the militia of this state, shall order out any part of the militia of this state to suppress any insurrection within the same, unless required so to do by three justices of the peace, in writing, under their hands and seals, and it shall be the duty of the commanding officer aforesaid to communicate to the commander in chief, as soon as possible, information respecting the said insurrection or invasion.

Parts of an act repealed.

XXXVI. AND BE IT ENACTED, That all such parts of the act to which this is a supplement as are inconsistent with the provisions of this act, shall be and the same are hereby repealed.

Duration.

XXXVII. This act to continue and be in force until the twentieth day of October, one thousand eight hundred and one, and until the end of the next session of assembly that may happen thereafter.

C H A P. CI.

Passed Jan. 20.

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.

Preamble.

WHEREAS 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;

Every former provision, &amp;c. repealed.

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.

Rules, &amp;c. to be the law of the land, &amp;c.

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.

CHAP. I.

How wills shall be made, and their effect.

1. ALL lands, tenements and hereditaments, 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 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.

4. All devises and bequests of any lands or tenements, devisable by law, shall be in writing, and signed by the party so devising the same, or by some other person in his presence, and by his express directions, and shall be attested and subscribed, in the presence of the said devisor, by three or four credible witnesses, or else they shall be utterly void and of none effect; and moreover, no devise in writing of lands, tenements or hereditaments, or any clause thereof, shall be revocable, otherwise than by some other will or codicil in writing, or other writing declaring the same, or by burning, cancelling, tearing or obliterating the same by the testator himself, or in his presence, and by his directions and consent; but all devises and bequests of lands and tenements shall remain and continue in force until the same be burnt, cancelled, torn or obliterated, by the testator, or his directions in manner aforesaid, or unless the same be altered by some other will or codicil in writing, or other writing of the devisor, signed in the presence of three or four witnesses, declaring the same, any former law or usage to the contrary notwithstanding.

CHAP. 2.

How wills shall be authenticated or proved.

IF any person, to whom a will or codicil hath been or shall be delivered by the party making it for safe custody, shall alter or destroy the same, without the direction of the said party, or wilfully secrete it for the space of six months after the death of the party shall be known to him or her, on conviction thereof the person so offending shall be sentenced to such punishment as is inflicted by law in cases of grand larceny.