

C H A P. XXXIV. 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.

V. 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.

VI. 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 is a supplement.

C H A P. XXXV.

### An ACT for the relief of Edward L. Miles.

Passed December 23, 1810.

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,

II. 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 the same manner as if he had actually resided within this state, agreeably to the provisions of the said act, and the several supplements thereto.

C H A P. XXXVI.

### An ACT to preserve the breed of Fish in Baltimore County.

Passed December 23, 1810.

BE IT ENACTED, *by the General Assembly of Maryland*, That it shall not be lawful for any person or persons whatsoever, after the passage of this act, to destroy the fish in any branch or creek in Baltimore county, by putting quick-lime therein, under the penalty of twenty dollars for each and every offence, to be sued for and recovered before a justice of the peace, as sums of similar amount are sued for and recovered in said county, one half of which sum shall be applied to the use of the county, and the other half shall be received by the person or persons who shall give information thereof.

II. AND BE IT ENACTED, That any master, mistress or overseer, wilfully suffering any servant or servants, slave or slaves, under his, her or their care or management, to put quick-lime in any stream of water in the aforesaid county, shall forfeit the sum of twenty dollars, to be recovered and applied as aforesaid, and if any servant or servants, slave or slaves, shall put quick-lime in any stream of water in said county, without the privity and knowledge of their master, mistress or overseer, and be convicted thereof before any justice of the peace, such servant or servants, slave or slaves, shall be whipped, not exceeding thirty-nine lashes, at the discretion of such justice of the peace.