

That Magna Charta, Ch. 18, secured to the wife her reasonable part; that there was no reason why that saving should be limited to the customary right; that the saving was general and must relate to the common law right, and that there were no words to confine it to the custom.

It is not considered necessary to give the whole of this opinion, but the judgment of the court was, that the plaintiff was entitled to one third after debts and funeral charges.

In the Deputy Commissary's Guide, p. 10, wherein it is stated, that the residuary legatee has the best title to the administration against the next of kin, where there is a will and the executor refuses to act, or dies intestate, the following observation is added: "But whether in such case a widow ought to be excluded in Maryland, where, by the laws or established practice, she is entitled to a third part of the personal estate, after payment of debts, notwithstanding a residuary legatee is appointed, may admit of a doubt."

The suit was a replevin by Mrs. Griffith, the widow of — Griffith, who had made some conditional devise to her, of land, but had devised from her all his personal property; and the case stated, admitted that her claim was contrary to the will.

CHAP. 25. There shall be but one measure throughout the realm.

Although this chapter of the statute could not in its details be entirely applicable to the circumstances of the people, yet in its general principles, and as having been confirmed and amended by other statutes, which have certainly been adopted, it may be safely said that it extended to the province. It is stated to have been confirmed, &c. by the statutes, 14 Edw. 3, St. 1, Ch. 12; 27 Edw. 3, St. 2, Ch. 10; 8 Hen. 6, Ch. 5; 11 Hen. 7, Ch. 4; 16 Car. 1, Ch. 19, and 22 Car. 2, Ch. 8. Our own acts of assembly will throw some further light on the subject.

Among the thirty-six laws that were read but not passed in 1638, was one for measures and weights. It directed that there should be one standard measure throughout the province, as should be appointed by the lieutenant general; and that no man should buy by any other measure than what was sealed by the lieutenant general, or some person appointed by him, according to the measures of the said standard.

In 1641, there was an act for measures, (Ch. 2,) directing that the measure used in England, called the Winchester bushel, should alone be used as the rule to measure all things that were sold by the bushel or barrel, and all under proportions, of dry measure. The barrel to contain five bushels. The sheriff in every county to procure a good bushel to be made and sized, and to have a seal whereby to seal that and all other measures. (As to the Winchester bushel, see 1 Bl. Com. 174.)

The next act was in 1671, Ch. 8, entitled, An act for the providing a standard with English weights and measures in the several and respective counties. It enacted that no one should trade with any other weights and measures than were used and made according to the statute of Hen. 7; that standards should be set up; weights of 50*lb.* &c. imported; stamps for the making of steelyards and weights; brass measures of an ell, &c. from England, and sealed bushel, half bushel and peck &c. of Winchester measure; and persons were to bring their steelyards and measures to be stamped

The act of 1715, Ch. 10, appeared to have a reference to antecedent provisions, the preamble stating, that whereas the standards of English weights and measures were very much impaired in several of the counties, and in some wholly lost and unfit for use, &c. This act is still in force, with its supplement, 1765, Ch. 1.

It is to be observed, that by the constitution of the United States, the congress has the power to fix the standard of weights and measures; but they have not yet exercised this power, and until they do so (whatever question might arise as to new laws on the subjects) it is competent for the several