

thirty days, for filing such bond and taking such letters ; but in no case shall letters testamentary be granted in such county after the expiration of such time allowed, or in any other county, except that wherein the will was authenticated or proved ; and it shall be the duty of such executor to transmit to the court where the will was authenticated or proved, a certificate under seal of the register of wills of the county wherein letters testamentary shall have been granted, to show that such letters have been granted.

1888, art. 93, sec. 43. 1860, art. 93, sec. 43. 1798, ch. 101, sub-ch. 3, sec. 3.

42. If there be only one executor, and he shall have been present at the authentication or probate of the will, and shall not within thirty days thereafter file a bond as aforesaid, or procure an attested copy under seal as aforesaid, for the purpose of taking out letters in another county, letters of administration with the copy of the will annexed may be granted by the orphans' court of the county wherein was the probate or authentication, to such person as they might be granted to in case of intestacy ; and if the said executor so procuring an authenticated copy shall not obtain letters in some other county within seventy days from the date of the copy, letters of administration may be granted as aforesaid by the orphans' court of the county where the will was authenticated or proved ; and it shall not be incumbent on the party applying for or taking such letters of administration to show that letters testamentary have not been obtained in some other county upon the copy aforesaid ; but such letters of administration shall not be granted if it shall be proved to the court, by affidavit or certificate under the seal of office, or if they shall have reason to believe that such letters testamentary have been granted in a county proper for granting them.

Georgetown College v. Browne, 34 Md. 450.

Ibid. sec. 44. 1860, art. 93, sec. 44. 1798, ch. 101, sub-ch. 3, sec. 4.

43. In case the said executor shall not have been present at the authentication or probate, but shall have been within this State, a summons may issue against him, either at the instance of a person interested, or *ex officio* by the orphans' court, or in their recess by the register of wills of the county wherein the will was authenticated or proved, returnable not less than twenty nor more than sixty days from date ; and if the summons shall be returned "summoned," and the executor shall not appear accordingly, or appearing, shall not within twenty days