

TESTAMENTARY SYSTEM.

17. If no objections shall be made to the probat of a will or codicil, respecting personal property, or appointing an executor, or no caveat shall be filed against the same before probat, it shall not be necessary to examine all the witnesses, unless they shall voluntarily attend, but the probat may be made on such proof as shall be sufficient to give efficacy to a will or codicil for passing personal property; provided that every executor, or other person, exhibiting a will, shall be examined, on oath, whether or not he knows of any other will or codicil, and in what manner the will or codicil exhibited came to his hands.

18. If the probat of any will or codicil be taken as aforesaid, without contest, any person, before letters testamentary, or of administration with a copy of the will, shall be actually granted, may file a petition to the court, praying that the case be again examined and heard, and thereupon the orphans court shall delay the granting of letters until a decision shall be had on the said petition; and in case letters shall have been granted, and any person shall file such petition, and the court, on hearing both sides, that is to say, the petitioner and the grantee of such letters, shall decide against the probat, the letters aforesaid shall be revoked, and the power of the party, under the said letters, shall cease; and the said will shall not be proved in any other county, unless the decision be reversed by the court of chancery, or general court.

C H A P. III.

How and to whom letters testamentary or of administration are to be obtained.

1. **W**HEN any will or codicil, respecting personal property, shall have been authenticated as aforesaid, or proved as aforesaid before the register of wills, or orphans court, letters testamentary may forthwith be committed to the executor, executrix or executors, named in the said will or codicil; provided the said executor or executrix, or each of the executors, shall execute a bond to the state of Maryland, with two good sureties, approved by the said register or orphans court, as the case may require, and in such penalty as the said register or court may require, conditioned for the faithful performance of the trust in him or her reposed as executor or executrix, to be lodged and recorded in the said register's office, and subject to be put in suit as hereafter mentioned.

2. If the executor or executrix, or all the executors named in a will, who shall not have renounced in the manner hereafter directed, shall, in due time, procure an attested copy of the said will, and of the authentication or probat, under the seal of the office where it was authenticated or proved, and shall produce the same to the orphans court, or in its recess to the register of wills, in any county wherein is personal property of the testator or testatrix to be administered, the said will, and the authentication or probat thereof, shall be there recorded, and letters testamentary may be granted to the said executor or executrix, or all the executors, not renouncing, by the said court, or in its recess by the said register, at any time within forty days from the date of the said copy, on his, her or their executing bond or bonds as aforesaid; and in case of sickness of, or accident to, or reasonable excuse made in behalf of, any such executor or executrix, the said court, or register, may allow a further time, not exceeding 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 or executrix 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 shew that such letters have been granted.

3. If there be only one executor or executrix named, and he or she shall have been present at the authentication or probat 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 letters as aforesaid, in another county, letters of administration, with the copy of the will annexed, may be granted