

sons, with the consent of her husband subscribed to said will; *Provided always*, that the wife shall have been privately examined by the witnesses to her will, apart from and out of the presence and hearing of her husband, whether she doth make the same will freely and voluntarily, and without being induced thereto by fear or threats of, or ill usage by, her said husband, and says she does it willingly and freely; but no will under this section shall be valid unless made at least sixty days before the death of the testatrix. This section not to apply to property acquired after the adoption of this code.

309. Every last will and testament executed in due form of law after the first day of June, eighteen hundred and fifty, shall pass all the real estate which the testator had at the time of his death.

310. Probate of wills may be made in the following manner, that is to say:

311. The Orphans' Courts, and in their recess, the Registers of Wills in this State, are authorized to take the probate of any will, testament, or codicil, whether the same has relation to real or personal estate, or to both real and personal estate.

312. It shall be lawful for any private person, in whose possession or custody a will or codicil shall be, after the death of the testator, to open and read the same in the presence of any near relations of the deceased, who may conveniently have notice thereof, and of other persons, and immediately thereafter to deliver the same to the Register of Wills of the county, whose duty it shall be to keep the same safe until proceedings may be had for the probate thereof in the said office, or until it be demanded by an executor or other person authorized to demand it, for the purpose of having it proved according to law.

313. If any private person in whose possession or custody a will or codicil shall be after the death of the testator, shall wilfully neglect to deliver the same to the Register of Wills of the county where the said person resides, or where it is proper to prove the same, or to some executor named in the will, for the space of three calendar months after the death of the testator shall be known to him, he shall be subject, on conviction in a court of law, to such fine as the court shall in their discretion think proper.