

chief justice of the orphans' court of ——— county, this ——— day of ———.

Test: C. D., register of wills for ——— county.

Since this section provides that letters shall be under seal, if they are issued without a seal, they are invalid and not admissible in evidence; the defect is not cured by the seal of the court authenticating a copy of the will. *Tuck v. Boone*, 8 Gill, 190 (decided prior to the codes of 1860 and 1888).

1904, art. 93, sec. 51. 1888, art. 93, sec. 52. 1860, art. 93, sec. 52. 1798, ch. 101, sub-ch. 4, sec. 1.

52. If any person named as executor in a will shall be, at the time when administration ought to be granted, under the age of eighteen years or of unsound mind, incapable according to law of making a contract, or convicted of any crime rendering him infamous according to law, or if any person named as executor shall not be a citizen of the United States, letters testamentary or of administration (as the case may require) may be granted in the same manner as if such person had not been named in the will.

The term "infamous crime" defined. *Garitee v. Bond*, 102 Md. 382.

An applicant for letters held not to be disqualified under this section. *Stouffer v. Stouffer*, 110 Md. 372.

This section referred to in discussing the question of when a female is of legal age. *Davis v. Jacquin*, 5 H. & J. 110.

This section referred to in construing section 33—see notes thereto. *Georgetown College v. Browne*, 34 Md. 457.

Ibid. sec. 52. 1888, art. 93, sec. 53. 1860, art. 93, sec. 53. 1798, ch. 101, sub-ch. 4, sec. 2.

53. No question respecting infamy, citizenship or competent age shall be determined by the orphans' court without summoning the person so named in the will and alleged to be infamous, alien or under age, provided, he be within the State, or without giving such notice by advertisement or otherwise, as the court shall direct (in case he be out of the State), and hearing in case the party shall attend agreeably to summons or notice.

Ibid. sec. 53. 1888, art. 93, sec. 54. 1860, art. 93, sec. 54. 1798, ch. 101, sub-ch. 4, sec. 3.

54. A transcript of the record of conviction shall be evidence in the orphans' court to prove the party infamous.

Ibid. sec. 54. 1888, art. 93, sec. 55. 1860, art. 93, sec. 55. 1798, ch. 101, sub-ch. 4, sec. 4.

55. When any person so named as an executor in a will shall be alleged to be an alien, or not a citizen of the United States, his citizenship shall not be established otherwise than by a certificate under the seal of the office or court where the party became naturalized, or by competent testimony that the said person is a natural born citizen of the State or of the United States, or that the person is or was the wife of a citizen of the United States and resides therein.