

be made in like manner and with like effect as if it were served personally on such executor or administrator.

An. Code, 1924, sec. 52. 1912, sec. 51. 1904, sec. 50. 1888, sec. 51. 1798, ch. 101, sub-ch. 3, sec. 13.

55. The following shall be the form of letters testamentary: Maryland, ss: The State of Maryland to all persons to whom these presents shall come, greeting:

Know ye, that the last will and testament of ———, of ———, deceased, hath been in due form of law exhibited, proved and recorded in the office of the register of wills for ——— county, a copy of which is to these presents annexed, and administration of all the goods, chattels and credits of the said deceased is hereby granted and committed unto ———, the executor by the said will appointed. Witness, A. B., chief justice of the orphans' court of ——— county, this ——— day of ———.

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

Where there is a certificate of register that letters testamentary were issued, fact that they are not precisely in form prescribed by this section does not invalidate or affect proceedings of executors. *Parker v. Leighton*, 131 Md. 412.

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; defect not cured by seal of court authenticating copy of will. *Tuck v. Boone*, 8 Gill, 190 (decided prior to Codes of 1860 and 1888).

An. Code, 1924, sec. 53. 1912, sec. 52. 1904, sec. 51. 1888, sec. 52. 1798, ch. 101, sub-ch. 4, sec. 1.

56. 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.

Near relative adjudicated lunatic not qualified to act as administrator. See notes to sec. 32. *Mobley v. Mobley*, 149 Md. 404.

See notes to sec. 46.

An. Code, 1924, sec. 54. 1912, sec. 53. 1904, sec. 52. 1888, sec. 53. 1798, ch. 101, sub-ch. 4, sec. 2.

57. 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.

An. Code, 1924, sec. 55. 1912, sec. 54. 1904, sec. 53. 1888, sec. 54. 1798, ch. 101, sub-ch. 4, sec. 3.

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