

Id s 312
1798, c 101,
sub-c 2, s 2
Person having
custody of will
to deliver to
register.

16. 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

Id s 318
1798, c 101,
sub-c 2, s 3
Penalty for
neglect.

17. 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.

1862, c 155
Where wills
may be proven
29 Md 27.

18. Any will or codicil may be proven in any county or city, wherein letters testamentary or of administration may be granted

Art 93, s 315
1798 c 101,
sub-c 2, s 6
Register when
to take probate.
35 Md 280, 291,
322, 37 Md. 221,
567

19. If any will or codicil be exhibited for proof to the register of wills of the county wherein the same may be proved, in the recess of the court, and any of the next relations of the deceased shall attend, and make no objections, or enter no caveat, or if it shall appear that reasonable notice of the time of exhibiting the same hath been given to such of the next relations as might conveniently be therewith served, and no person shall object or enter a caveat, the register shall proceed to take the probate thereof.

Id s 316.
1798, c 101,
sub-c 2, s 7
Orphans' Court,
when to take
probate.

20. If any such will be exhibited for probate to the Orphans' Court of the county where the same may be proved, and any of the next relations of the deceased shall attend, or if notice shall appear to have been given as aforesaid, and no caveat shall have been made against the same, the said court may forthwith proceed to take probate thereof.

Id. s 317
1798, c 101,
sub-c 2, s 8
Notice of pro-
bate, when to
be given

21. If any will or codicil be exhibited to the Orphans' Court, and none of the near relations of the deceased shall attend, and no notice shall appear to have been given, the court may either direct summons to the said near relations, or some one or more of them, to appear on some fixed day to show cause wherefor the same should not be proved, or direct such notice to be given in the public papers or otherwise, as they may think proper; and if no objection shall be made or caveat entered on or before the day fixed, the court, or register of wills in their recess, may take the probate of such will; but if objection shall be made on or before the day appointed, the said court shall have cognizance of the affair, and shall determine according to the testimony produced on both sides.

Id s. 318.
1798, c 101,
sub-c. 2, ss 9, 10

22. If any person whatever shall enter a caveat against such will or codicil either before or after it shall be exhibited to the