

register of wills or Orphans' Court, the said caveat shall be decided by the court. If any person shall enter a caveat against any will or codicil of which probate shall have been taken by the register as aforesaid, no letters testamentary shall be granted until a determination shall be had in the Orphans' Court.

23. If no objections shall be made to the probate of a will or codicil, or no caveat shall be filed against the same before probate, it shall not be necessary to examine all the witnesses in case the will passes personal property only, unless they shall voluntarily attend; but probate may be taken 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.

24. If the probate 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 may be again examined and heard; and thereupon the Orphans' Court shall delay the granting of letters until a decision shall be had on the petition; and in case the 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 probate, the letters aforesaid shall be revoked, and the power of the party under the letters shall cease; and the said will shall not be proved in any other county, unless the decision be reversed on appeal.

25. In case the adjudication of the Orphans' Court to whom any will or codicil shall be exhibited for probate shall be against the said will or codicil, it shall not be received for probate in any other county.

26. No nuncupative will shall be proved within fourteen days after the death of the testator, unless his widow (if any), and some one of the next of kin, have been summoned to contest the same, if they please

27. Any probate of a will or codicil taken by the Orphans' Court or register of wills, so far as the same concerns real estate, shall be taken only as *prima facie* evidence of such will or codicil; and in proving a will or codicil concerning real estate, all the witnesses thereto shall be examined, if their attendance can be had.

28. A copy of the record of any will which the laws of the State or country where the same may be executed require to be recorded or registered, and which hath been recorded or registered agreeably to such laws, under the hand of the keeper of such record or register, and the seal of the court or office in which such record or register hath been made, or a copy of any will lodged for safe keeping in any office or court, agreeably to the laws of the State or country as

Where caveat filed
8 Md 231, 8 Md.
55, 22 Md 346,
30 Md 409, 35
Md 280, 291, 322,
37 Md 221, 567.

Id s 319
1798, c 101,
sub-c 2, s 12
Probate, how
taken, if no
caveat

Id s 320
1798, c 101,
sub-c 2, s 13.
May be con-
tested after pro-
bate, and grant
of administra-
tion
39 Md 535.

Id s 321.
1798, c 101,
sub-c 2, s 11
Where probate
refused in one
county, not to
be taken.

Id s 322
1798, c 101,
sub c 2, s 13.
When probate
of nuncupative
will not be
taken.

Id s 323
1831, c 315, s 1
Probate only
prima facie evi-
dence as to land.

Id s 324
1785, c 46, ss 2-4.
What neces-ary
to prove record
of foreign will.
30 Md 409,
3 Call 198