

P. G. L., (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 convict 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.

Davis v. Jacquin, 5 H. & J. 110 Georgetown College v. Browne, 34 Md. 450.

Ibid. 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. 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. 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.

Ibid. sec. 56. 1798, ch. 101, sub-ch. 4, sec. 5.

56. Any inquisition of a jury on a writ issued from a court of equity finding the party an idiot, lunatic or *non compos mentis*, and confirmed by the court, shall be conclusive evidence of the