

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.

Emmert v. Stouffer, 64 Md 543.

P. G. L., (1860,) art. 93, sec 318. 1798, ch. 101, sub-ch. 2, secs. 9-10.

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

Negro John v. Morton, 8 G. & J. 391. *Offutt v. Gott*, 12 G & J. 385. *Townshend v. Brooke*, 9 Gill, 91. *Glass v. Ramsay*, 9 Gill, 458. *Hanna v. Munn*, 3 Md. 231. *Busby v. Conaway*, 8 Md. 55. *Warford v. Colvin*, 14 Md. 592.

Ibid. sec. 319. 1798, ch. 101, sub-ch. 2, sec. 12.

331. 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.

Ibid. sec. 320. 1798, ch. 101, sub-ch. 2, sec. 13.

332. 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