

The probate of a will should be a solemn procedure under the strictest supervision of the Court. Anything short of this, while possibly causing slight inconvenience in some few instances, would tend to lessen the protection afforded by the present system. It seems to me far preferable to retain an exacting procedure as opposed to one that may open the door to the probate of wills, the validity of which should be questioned and as to which the attesting witnesses, when examined formally would not necessarily support their affidavit, possibly executed with slight notice or knowledge of its significance.

While Maryland law favors testacy, the statute prescribing the requisites of a valid will and the proper execution thereof, is strictly construed. Sections 380, 381 and 384 of Article 93 of the Annotated Code of Md. (1951 Md. Edition) deal with proof of wills and codicils by the witnesses thereto and certainly seem to cover every conceivable situation, while making provision for the convenience of all interested parties with special attention to the expenses which may be involved.

The Chief Judge of the Baltimore Orphans' Court advises me that after almost nine years of service he knows of no circumstances of proving a will "which cannot be met under these sections without delay and without any hardship."

The shortcomings of the procedure suggested by this bill would appear obvious. Merely requiring an attesting witness to appear before a Notary Public and sign an affidavit stating such facts as he would testify to in Court to prove the will, is entirely too informal a method of treatment for what has always been a most penetrating and serious process. The dignity of the probate and the resulting good effect of producing all facts relative to execution of a will, would be lost. Furthermore, to permit attachment of the affidavit to the will strikes me as opening the door to possible wrongful acts, particularly since there is no requirement that the witnesses know the contents of the will. A witness might be satisfied to make affidavit to the execution of one will but not to another, yet never know to which will his affidavit was finally attached.

To reduce the safety factors provided by existing laws, in my opinion, would be a step in the wrong direction, and I have accordingly vetoed House Bill 253.

Respectfully yours,

(s) THEODORE R. MCKELDIN,

Governor

TRMcK:mg

House Bill 287—University of Maryland Revenue Bonds

AN ACT to repeal and re-enact, with amendments, Section 243 of Article 77 of the Annotated Code of Maryland (1951 Edition), title "Public Education", sub-title "University of Maryland", authorizing the inclusion of ~~dormitories~~ DORMITORY FACILITIES and living accommodations in a student union building, heretofore authorized to be constructed in Baltimore City.