

presence of any near relatives of the deceased, who may conveniently have notice thereof, and of other persons, and immediately thereafter to deliver the said will or codicil to the register of wills, or the register or clerk of any office in the county authorized to record wills, whose duty it shall be to keep the same safe, until proceedings may be had for proving the same 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.

3. If any private person, in whose possession or custody a will or codicil shall be, after the death of the testator or testatrix, shall willfully neglect to deliver the same to the register of wills, or the register or clerk of any office proper for recording wills in 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 or testatrix shall be known to the said person, he or she, thus offending, shall be subject, on conviction in a court of law, to such fine as the court shall in their discretion think proper.

4. An attested copy, under the seal of office, of any will, testament or codicil, recorded in any office authorized to record the same, shall be admitted as evidence in any court of law or equity, provided that the execution of the original will or codicil be subject to be contested until a probat hath been had according to this act.

5. Any will, or codicil, containing any disposition relative to goods, chattels or personal estate, may be proved in the county where most of the witnesses reside, or in the county in which letters testamentary or of administration may be granted.

6. If any will or codicil, making any disposition relative to goods, chattels, or personal property or rights, or appointing an executor, be exhibited for proof to the register of wills in the county wherein the will may be proved, in the recels 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 hath been given to such of the next relations, as might conveniently be therewith served, of the time of exhibiting the said will or codicil, and no person shall object, or enter a caveat, the register shall thereupon proceed to take the probat, and to grant letters testamentary accordingly.

7. If any such will or codicil, respecting personal property, or appointing an executor, be exhibited for probat 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 said will or codicil, the said court may forthwith proceed to take the probat of such will or codicil.

8. If any such will or codicil, respecting personal property, or appointing an executor, 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 said court may either direct summons to the said near relations, or some one or more of them, to appear, on some fixed day, to shew cause wherefore the will or codicil 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 said court, or the register of wills in their recels, may proceed to take the probat of such will or codicil; 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.

9. If any person whatever shall enter a caveat against any such will or codicil respecting personal property, or appointing an executor, either before or after it shall be exhibited to the register of wills or orphans court, the said caveat shall be decided by the said court.

10. In case any person shall enter a caveat against any will or codicil, respecting personal property, or appointing an executor, of which probat 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.

11. In case the adjudication of any orphans court, to whom any such will or codicil, respecting personal property, or appointing an executor, shall be exhibited for probat, shall be against the said will or codicil, it shall not be received for probat in any other county; provided nevertheless, that either party conceiving him or herself aggrieved by the decision of the said court, relative to the probat, may, within three days after such decision, enter an appeal to the court of chancery, or the general court of the shire whereon such orphans court is held, and the said appeal shall stay further proceedings of the orphans court, provided