

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 recess, 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 an attested copy of the whole proceedings, under the seal of the office, be filed in the said chancery court, or general court, within sixty days thereafter; and the decree of the chancery court, or general court, to be given on the transcript only, shall be final and conclusive; and the orphans court shall proceed according to the said decree, an attested copy whereof shall be transmitted, under seal, to the orphans court.

12. If no objections shall be made to the probat of a will or codicil, respecting personal property, or appointing an executor, or no caveat shall be filed against the same before probat, it shall not be necessary to examine all the witnesses, unless they shall voluntarily attend, but the probat may be made 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, or affirmation, as the case may be, whether or not he or she knows of any other will or codicil, and in what manner the will or codicil exhibited came to his or her hands.

13. If the probat 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 be again examined and heard, and thereupon the orphans court shall delay the granting of letters, until a decision shall be had on the said petition; and in case 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 probat, the letters aforesaid shall be revoked, and the power of the party, under the said letters, shall cease; and the said will shall not be proved in any other county, unless the decision be reversed by the court of chancery or general court; and 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.

1. WHEN any will or codicil, respecting personal property, shall have been authenticated as aforesaid, or proved as aforesaid before the register of wills, or orphans court, letters testamentary may forthwith be committed to the executor, executrix, or executors, named in the said will or codicil; provided the said executor or executrix, or each of the executors, shall execute a bond to the state of Maryland, with two good sureties, approved by the said register or orphans court, as the case may require, and in such penalty as the said register or court may require, conditioned for the faithful performance of the trust in him or her reposed as executor or executrix, to be lodged and recorded in the said register's office, and subject to be put in suit as hereafter mentioned.

C H A P. 3.
How and of whom letters testamentary or of administration are to be obtained.