

TESTAMENTARY SYSTEM.

writing shall be admitted in any court or office where the said will or codicil shall be controverted.

10. Any will or codicil, not deposited by the maker thereof with a register or officer as aforesaid, containing any disposition relative to goods, chattels or personal estate, shall be proved in the county where most of the witnesses reside.

11. If any will or codicil, making any kind of 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 ought to be proved, in the recess 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.

12. 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.

13. 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 admitted, 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 on, 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 orphans court only shall have cognizance of the affair, and shall determine according to the testimony produced on both sides.

14. 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 only by the orphans court.

15. 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.

16. 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 orphans 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 office, be filed in the said chancery court, or general court, within twenty 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 the great seal, to the orphans court.

17. If