

forty days from the date of the said copy, on his, her or their executing bond or bonds as aforesaid; and in case of sickness of, or accident to, or reasonable excuse made in behalf of, any such executor or executrix, the said court, or register, may allow a further time, not exceeding thirty days, for filing such bond, and taking such letters; but in no case shall letters testamentary be granted in such county after the expiration of such time allowed, or in any other county except that wherein the will was authenticated or proved; and it shall be the duty of such executor or executrix to transmit to the court where the will was authenticated or proved, a certificate, under seal of the register of wills of the county wherein letters testamentary shall have been granted, to shew that such letters have been granted.

How and of whom letters testamentary or of administration are to be obtained.

SEC. 3. If there be only one executor or executrix named, and he or she shall have been present at the authentication or probat of the will, and shall not, within thirty days thereafter, file a bond as aforesaid, or procure an attested copy under seal as aforesaid, for the purpose of taking letters as aforesaid in another county, letters of administration, with the copy of the will annexed, may be granted by the orphans court of the county wherein was the probat or authentication, to such person as they might be granted to in case of intestacy; and if the said executor or executrix, so procuring an attested copy, shall not obtain letters testamentary in some other county, within seventy days from the date of the copy, letters of administration may be granted as aforesaid by the orphans court of the county where the will was proved or authenticated; and it shall not be incumbent on the party applying for or taking such letters of administration, to shew that letters testamentary have not been obtained in some other county on the copy aforesaid; but such letters of administration shall not be granted, if it shall be proved to the court, by affidavit, or certificate under the seal of office, or if they shall have reason to believe, that such letters testamentary have been granted in a county proper for granting them.

SEC. 4. In case the said sole executor or executrix shall not have been present at the authentication or probat, but shall have been within the state, a summons may issue against him or her, either at the instance of a person interested, or ex officio by the orphans court, or (in their recess) the register of wills of the county wherein the will was authenticated or proved, returnable not less than twenty, nor more than sixty days after date; and if the summons shall be returned 'summoned,' and the executor or executrix shall not appear accordingly, or appearing, shall not, within twenty days thereafter, file a bond or bonds as aforesaid, or if two such summonses shall be