**§ 1414. When letters testamentary may be issued**

**1.** After a will has been admitted to probate any person entitled to letters thereunder who is eligible and who appears and qualifies is entitled to letters testamentary.

2. Where a judgment has been rendered in an action establishing a will the surrogate must record the will and issue letters as directed by the judgment.

3. A person entitled to letters upon a contingency may appear and show that the contingency has happened by which he is entitled to such letters.

4. A person named as an executor by a person other than the testator under a valid power contained in a will must appear and file an acknowledged selection of himself as an executor.