

executor named in the will, for the space of three calendar months after the death of the testator shall be known to him, he shall be subject, on conviction in a court of law, to such fine as the court shall in their discretion think proper.

Cited but not construed in *Johns v. Hodges*, 62 Md. 534; *Campbell v. Porter*, 162 U. S. 483.

1904, art. 93, sec. 334. 1888, art. 93, sec. 326. 1860, art. 93, sec. 314.
1862, ch. 155.

341. Any will or codicil may be proved in any county or Baltimore city wherein letters testamentary or of administration may be granted.

The orphans' court of a county has no authority to admit to probate a will except as prescribed by this section, nor can the orphans' court of one county grant letters on the estate of a person who resides in another county. Place of residence, determined. *Shultz v. Houck*, 29 Md. 27. And as to a testator's place of residence, see *Harris v. Pue*, 39 Md. 543.

This section referred to in deciding that when a will has been granted or denied probate after contest, the decision is final, and the same question can not again be raised by a suit in ejectment. *Johns v. Hodges*, 62 Md. 536.

See notes to sections 14 and 349.

Ibid. sec. 335. 1894, ch. 405, sec. 326 A.

342. No will, testament, codicil or other testamentary paper shall be subject to caveat or other objection to its validity after the expiration of three years from its probate.

This section will be construed as to wills probated before it was passed so as to give three years from the time of its passage within which to file a caveat. This section is constitutional and valid. Vested rights. Title of act. Persons under disability. *Garrison v. Hill*, 81 Md. 554; *Meyer v. Henderson*, 88 Md. 592; *Manning v. Carruthers*, 83 Md. 8. As to the title of the act of 1894, ch. 405, see also, *Mealey v. Hagerstown*, 92 Md. 746.

This section enforced. A caveat raising a new ground of objection to a will can not be filed (even by consent of counsel) after three years, although a caveat assigning other objections was filed in due time and has not been disposed of. Object of this section. *Meyer v. Henderson*, 88 Md. 592.

This section does not permit preliminary questions such as an alleged failure to give notice of the probate of a will under section 345, to be raised at any time within three years without regard to what has already taken place. *Stanley v. Safe Deposit Co.*, 88 Md. 406.

Cited but not construed in *Home for Aged v. Bantz*, 106 Md. 149.

Ibid. sec. 336. 1888, art. 93, sec. 327. 1860, art. 93, sec. 315.
1798, ch. 101, sub-ch. 2, sec. 6.

343. If any will or codicil be exhibited for proof to the register of wills of the county wherein the same may 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 of the time of exhibiting the same hath been given to such of the next relations as might conveniently be therewith served, and no person shall object or enter a caveat, the register shall proceed to take the probate thereof.

What is meant by the probate of a will, and what is necessary thereto? *Tilghman v. France*, 99 Md. 615.

Where the revocation of the probate of a will is not asked, and there was no appeal from the order permitting the will to be probated, nor from an