of her husband subscribed to said will; provided always, that the wife shall have been privately examined by the witnesses to her will, apart from and out of the presence and hearing of her husband, whether she doth make the same will freely and voluntarily, and without being induced thereto by fear or threats of, or ill usage by, her said husband, and says she does it willingly and freely; but no will under this section shall be valid unless made at least sixty days before the death of the testatrix. This section not to apply to property acquired since January 12, 1860.

A married woman may devise or bequeath all her property, real and personal, which belonged to her at the time of her death if that took place since the adoption of the Code of 1860, and all property which she has acquired since that time. Schull *v.* Murray, 32 Md. 16.

This section held to refer only to wife's general property, and not to her sole and separate estate. History of this section. Buchanan *v.* Turner, 26 Md. 5. And see Schull *v.* Murray, 32 Md. 16.

A will held not to be executed in due form under this section because written consent of husband was not annexed thereto, and also because it was not executed sixty days before her death. Hanson *v.* Johnson, 62 Md. 27. And see Michael *v.* Baker, 12 Md. 168.

This section held to have no application to execution of a power by a paper in nature of a will, where such paper is executed in accordance with directions in deed creating power. Schley *v.* McCeney, 36 Md. 273. And see Michael *v.* Baker, 12 Md. 168.

Act of 1842, ch. 293, cited but not construed in Oswald *v.* Hoover, 43 Md. 370.

As to the powers and rights of married women in general, see art. 45..

An. Code, sec. 336. 1904, sec. 329. 1888, sec. 321. 1849, ch. 229.

346. Every last will and testament executed in due form of law after the first day of June, 1850, shall pass all the real estate which the testator had at the time of his death.

Where a testator bequeaths all that he "is worth, amounting to $4300 or thereabout which is now in possession of Carroll Spence as trustee," to his two sisters, the will does not operate to pass a portion of estate in hands of Safe Deposit Company. Mere fact that will was made 57 years before testator's death would not prevent its operating upon property owned by testator at time of his death, if that was his intention. Presumption against intestacy. History of this section. Albert *v.* Safe Deposit Co., 132 Md. 109.

A devise or bequest of all testator's real or personal property passes all of his property which he could dispose of by will at time of his death. Redwood *v.* Howison, 129 Md. 590.

This section makes the will speak as to subject matter of disposition, as of time of testator's death, changing the former rule in that respect. Lavender *v.* Rosenheim, 110 Md. 155; Bourke *v.* Boone, 94 Md. 477.

This section does not operate to pass "after-acquired" property contrary to testator's intention. Lindsay *v.* Wilson, 103 Md. 268; Bourke *v.* Boone, 94 Md. 477; Rizer *v.* Perry, 58 Md. 134; Rea *v.* Twilley, 35 Md. 411; Taylor *v.* Watson, 35 Md. 519.

A will executed in conformity with sec. 344 is as much "in due form of law" as one executed under sec. 332. The fact that a testator did not know, when his will is drawn, that he would acquire certain property, does not prevent application of this section. Lindsay *v.* Wilson, 103 Md. 268.

Where a devise of real estate fails by reason of incapacity of devisee, such real estate does not pass by virtue of this section to the residuary devisee in the will. Rizer *v.* Perry, 58 Md. 134.

This section applied. Ruckle *v.* Grafflin, 86 Md. 631; Brady *v.* Brady, 78 Md. 474.

This section referred to in deciding that a devisee is a competent witness to a will, and that devise is not void because of his being such witness. Leitch *v.* Leitch, 114 Md. 336.

This section does not embrace a will executed prior to June 1, 1850—change made in act of 1849, ch. 229, by adoption of Code of 1860. John *v.* Hodges, 33 Md. 522. And see Carroll *v.* Carroll, 16 How. 275.