

336.

Gift to testator's wife of absolute estate held not to have been restricted to life estate by a subsequent clause indicating his wish as to how she should dispose of the residue by her will. *Gosnell v. Liebman*, 162 Md. 542.

Under this section and sec. 11 of art. 21, deeds and assignments, as well as wills, though without words of limitation or perpetuity, are presumed to carry such estate as the grantor, etc., has power to convey, etc., and not an estate limited to the life of the grantor, etc., unless a contrary intention is clearly shown. *Case v. Marshall*, 159 Md. 594.

339.

Where deeds of leasehold property were executed, reserving to grantor life estate, and gave him power to dispose of the property, held that the deeds should supersede the will which had been previously executed, since the design of the grantor was plainly apparent. *Gassinger v. Thillman*, 160 Md. 196.

Under will giving husband life estate in all her property, with full power to sell and convey absolutely or by way of mortgage or lease, any or all of her property and to reinvest the proceeds in his discretion, held that husband had power to sell or mortgage in fee simple. *Reeside v. Annex Bldg. Assn.*, 165 Md. 208.

Donee is presumed to have intended to exercise power of appointment by his will unless contrary intention appears in will itself. *Art Students' League of N. Y. v. Hinkley*, 31 Fed. (2nd), 469.

Cited but not construed in *Cowman v. Classen*, 156 Md. 444.

342.

Rule in *Shelley's Case* applied to will probated in 1883. Effect and application of rule. *Rhodes v. Brinsfield*, 151 Md. 481.

To last note under this section, page 2995, vol. 2 of Code, add *Cowman v. Classen*, 156 Md. 435.

344.

Holographic will made in Germany, with spaces left for signature of testator and for witnesses after attestation clause, with absence of proof as to whether name in introduction can be regarded as signature, properly refused probate in Maryland. *Quaere*, as to date and place. *DeGarmendia's Estate*, 146 Md. 51.

Will made in another state by former resident of this state is governed by laws of this state as to distribution of local assets unless will shows contrary intention, even though will originally probated in other state. *University v. Uhrig*, 145 Md. 117.

Will executed according to the laws of California by one temporarily residing there, is valid though it does not conform to laws of Maryland, where testator lived before and after going to California. *Hunter v. Baker*, 154 Md. 315.

345. Repealed by ch. 531 of the Acts of 1929.**346.**

Even though conversion occurred, interest of testatrix held interest in realty which passed under this section, will speaking as of date of death. *Gilmer v. Aldridge*, 154 Md. 637.

An. Code, 1924, sec. 352. 1912, sec. 342. 1904, sec. 335. 1894, ch. 405, sec. 326A. 1933, ch. 357.

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

Caveat filed last day permitted by this section. See notes to secs. 37 and 264 *Schmidt v. Johnston*, 154 Md. 128.

See notes to sec. 356.