

The effect of the portion of this section relative to requisite age of a female to make a will, referred to in discussing when a female becomes of age for other purposes. *Waring v. Waring*, 2 Bl. 674; *Corrie's Case*, 2 Bl. 491; *Davis v. Jacquin*, 5 H. & J. 110.

For a case involving the subsequent adoption and ratification of a will not valid when made, see *Boofter v. Rogers*, 9 Gill, 44.

Cited but not construed in *Garrison v. Hill*, 81 Md. 556.

See notes to secs. 336 and 353.

An. Code, 1924, sec. 332. 1912, sec. 323. 1904, sec. 317. 1888, sec. 310. 1798, ch. 101, sub-ch. 1, sec. 4. 1884, ch. 293.

336. All devises and bequests of any lands, or tenements, or interest therein, and all bequests of any goods, chattels or personal property of any kind, as described in section 332, shall be in writing and signed by the party so devising or bequeathing the same, or by some other person for him, in his presence and by his express direction, and shall be attested and subscribed in the presence of the said devisor by two or more credible witnesses, or else they shall be utterly void and of none effect.

Attestation.

Testimony of draftsman of lost will as to its due execution in presence of two attesting witnesses, held, under special circumstances, *prima facie* proof of valid will; fraudulent destruction or concealment. Revocation of will; evidence. *Preston v. Preston*, 149 Md. 507.

This section is satisfied where witnesses subscribe before testator signs, if he signs in their presence immediately after their subscription, and all acts are part of one transaction. *Sellers v. Hayden*, 154 Md. 118.

Papers in handwriting of and signed by decedent, but not attested by two witnesses, although in envelope marked "my will," not admissible to probate. *Hull's Estate*, 164 Md. 43.

Cited but not construed in *Woodruff v. Linthicum*, 158 Md. 608; *Quimby v. Greenhawk*, 166 Md. 345; *Citizens' Natl. Bank v. Parsons*, 167 Md. 636.

The provision of this section is satisfied where full name of testator is affixed in appropriate place by another in his presence and with his full knowledge and with the intention that what was done be construed as being the execution of his will. *Greenhawk v. Quimby*, 170 Md. 281.

It is not necessary that all of witnesses should actually see testator sign; it is sufficient if they are present when he signs, or if paper after being signed is acknowledged as a will in their presence, and is signed and attested by them in his presence. *Etchison v. Etchison*, 53 Md. 357. And see *Stirling v. Stirling*, 64 Md. 138; *Wampler v. Wampler*, 9 Md. 540; *Cramer v. Crumbaugh*, 3 Md. 491; *Mason v. Harrison*, 5 H. & J. 480. *Cf. Welty v. Welty*, 8 Md. 22; *Edelen v. Hardey*, 7 H. & J. 67; *Brittingham v. Brittingham*, 147 Md. 155.

The witnesses must be requested to sign by testator. What amounts to a request? *Gross v. Burneston*, 91 Md. 386; *Etchison v. Etchison*, 53 Md. 357; *Higgins v. Carlton*, 28 Md. 141. And see *Rengle v. Tucker*, 114 Md. 602.

A prayer held not to meet requirements of this section; it is not sufficient to prove that two or more competent witnesses signed will, but it must be attested and subscribed to in presence of testatrix. It is doubtful whether an issue reading, "Was the will of ——— executed by her according to the laws of the state of Maryland, relating to the execution of wills," submits question of attestation of witnesses. A will held to have been properly witnessed, and a witness held competent. *Conrades v. Heller*, 119 Md. 458.

Where a witness states that a will was executed in his presence and that it was signed by both witnesses in his office, but does not state that witnesses signed in testator's presence, an attestation in accordance with this section is not established. *Tinnan v. Fitzpatrick*, 120 Md. 348.

Proof of execution and attestation of a will made in 1874 held sufficient to justify its probate. Requisites of attestation of a will; effect of attestation clause; negative statement by one of attesting witnesses. *Woodstock College v. Hankey*, 129 Md. 679.

This section had its origin in statute of frauds, and is same as the statute in force in most of other states and in England. The witnesses must sign either upon the same sheet as testator or on some sheet physically connected with it. Meaning of "to subscribe." An attestation across sealed portion of envelope containing will is invalid. *Shane v. Wooley*, 138 Md. 77.

A will is duly attested where another person signs the name of the witness, the latter making his mark. Appeal of Reaver's Executors, 96 Md. 736.

The word "credible" defined. An executor who is also appointed guardian of testator's children is a competent witness. *Estep v. Morris*, 38 Md. 423; *Higgins v. Carlton*, 28 Md. 140. And see *Leitch v. Leitch*, 114 Md. 336.