

An. Code, 1924, sec. 349. 1912, sec. 339. 1904, sec. 332. 1888, sec. 324. 1798, ch. 101, sub-ch. 2, sec. 2.

**354.** It shall be lawful for any private person in whose possession or custody a will or codicil shall be after the death of the testator to open and read the same in the presence of any near relations of the deceased who may conveniently have notice thereof, and other persons, and immediately thereafter to deliver the same to the register of wills of the county, whose duty it shall be to keep the same safe until proceedings may be had for the probate thereof in the said office, or until it be demanded by an executor or other person authorized to demand it for the purpose of having it proved according to law.

Executor is entitled to the custody of a will. *Bridge v. Dillard*, 104 Md. 422.  
Cited but not construed in *Campbell v. Porter*, 162 U. S. 483.

An. Code, 1924, sec. 350. 1912, sec. 340. 1904, sec. 333. 1888, sec. 325. 1798, ch. 101, sub-ch. 2, sec. 3.

**355.** If any private person, in whose possession or custody a will or codicil shall be after the death of the testator shall wilfully neglect to deliver the same to the register of wills of the county where the said person resides, or where it is proper to prove the same, or to some 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.

An. Code, 1924, sec. 351. 1912, sec. 341. 1904, sec. 334. 1888, sec. 326. 1862, ch. 155.

**356.** 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 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.

See notes to secs. 15, 353 and 364.

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

**357.** 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.

Limitation in this section makes no exception for relatives who do not discover fact of probate in that time. *In re* estate of Bowen (unreported case). 172 Md. 698.

This section will be construed as to wills probated before it was passed so as to give three years from 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; *Kernan v. Carter*, 132 Md. 593.

This section enforced. A caveat raising a new ground of objection to a will cannot 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 probate of a will under sec. 360, 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.

This section referred to in holding that a renunciation under a will came too late—see notes to sec. 314. *Kernan v. Carter*, 132 Md. 589.

Caveat filed last day permitted by this section. See notes to secs. 38 and 265. *Schmidt v. Johnston*, 154 Md. 128. See notes to sec. 361.

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