

ARTICLE XLIX.

WILLS.

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| <ul style="list-style-type: none"> 1 What lands pass by will 2 Perpetuities forbidden 3 What persons capable 4 Wills of lands to be in writing, how attested 5 How revocable 6 Wills of personal estate how revocable. 7 No devise or bequest to lapse | <ul style="list-style-type: none"> 8 What words imply absolute estate 9 Words importing want or failure of issue construed 10 Nuncupative wills 11 When nuncupative wills to be proven. 12 Wills of married women 13. Wills after June 1st, 1850 |
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PROBATE OF WILLS.

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| <ul style="list-style-type: none"> 14 How made. 15 By whom 16 Person having custody of will to deliver to register 17 Penalty for neglect 18 Where wills may be proven 19 When register to take probate. 20 When Orphan's Court to take probate. 21 Notice of probate when to be given 22 Where caveat filed 23 Probate, how taken if no caveat 24 May be contested after probate and grant of administration 25 Where probate refused in one county, not to be taken. | <ul style="list-style-type: none"> 26 When probate of nuncupative will not to be taken. 27 Probate only <i>prima facie</i> evidence as to land. 28. What necessary to prove record of foreign will, proof of execution where recording, not necessary 29 Attested copy of will, how made evidence, execution of original 30. Proof where witnesses have died 31 Who may file copy of foreign will and probate, to be recorded by register, copy of such record to be evidence |
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CUSTODY OF WILLS.

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| <ul style="list-style-type: none"> 32 All wills when proven to be retained by register, how produced on issue of <i>devisavit vel non</i> | <ul style="list-style-type: none"> 33 Register to receive ambulatory wills for safe keeping, his fees, index. |
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1. All lands, tenements, and hereditaments which might pass by deed, or which would, in case of the proprietor's dying intestate, descend to or devolve on his or her heirs or other representatives, except estates tail, shall be subject to be disposed of, transferred, and passed by his or her last will, testament, or codicil, under the following restrictions.

Art 93, s 298
1798, c 101,
sub-c 1, s 1
What lands pass
by will
21 Md 488,
30 Md 447;
36 Md 434

2. No will, testament, or codicil shall be effectual to create any interest or perpetuity, or make any limitation, or appoint any uses not now permitted by the Constitution or laws of this State.

Id s 299
1798, c 101,
sub-c 1, s 2
Perpetuities
forbidden
28 Md 339.

3. No will, testament, or codicil, shall be good and effectual for any purpose whatsoever, unless the person making the same be at the time of executing or acknowledging it as hereafter directed, of sound and disposing mind, and capable of executing a valid deed or contract. No will, testament, or codicil shall be good and effectual to pass any interest or estate in any land, tenement, or incorporeal hereditament, unless the person making the same, if a male, be of the full age of twenty-one years, and if a female, of the full age of eighteen years.

Id s 300
1798, c 101,
sub-c 1, s 3
What persons
capable
20 Md 388, 26
Md 1, 95, 28
Md 115, 118, 408,
30 Md 447, 33
Md 23, 35 Md.
531, 37 Md 567,
38 Md 188, 43
Md 479, 5 G &
J 269, 8 Gill
197, 9 Gill. 432