

10. No nuncupative will shall be good where the estate bequeathed thereby shall exceed the value of three hundred dollars, that is not proved by the oaths of three witnesses at least, who were present at the making thereof, nor unless it be proved that the testator, at the time of pronouncing the same, did bid the persons present, or some of them, to bear witness that such was his will, or to that effect; nor unless such nuncupative will were made in the time of the last sickness of the deceased, and in the house of his habitation or dwelling, or where he hath been resident for the space of ten days or more next before the making of such will except where such person was surprised or taken sick, being from his own home, and died before he returned to the place of his dwelling.

Art 93, s 306
1810, c 34, s 1
Nuncupative
wills
19 Md 348, 33
Md 569, 36 Md.
630, 41 Md 201

11. Six months after the speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony, or the substance thereof, were committed to writing within six days after the making of the said will; but any soldier, being in actual military service, or any mariner or seaman, being at sea, may dispose of his movables, wages, and personal estate as heretofore.

Id s 307
1810, c 34, s 2.
When nuncupa-
tive will to be
proven

12. A wife shall have a right to make a will, and give all her property, or any part thereof to her husband, or to other persons, with the consent 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 shall not apply to property acquired after the twelfth day of January, in the year eighteen hundred and sixty. As to property acquired or owned by a married woman, according to the provisions of Article LI, of this code, sub-title Wife's Property, she shall have the power of devising the same as fully as if she were a *feme sole*.

Id s 308
1842, c 293, s 6
Wills of married
women
11 Md 492, 12
Md 158, 26 Md.
1, 32 Md 16, 36
Md 266

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

Not to apply to
property ac-
quired after
adoption of
code

Id s 309
1849, c 229
Wills after June
1, 1850, to pass
all real estate
had at time of
death.
4 Md 335, 6 Md.
487, 93 Md 526,
35 Md 411

PROBATE OF WILLS.

14. Probate of wills may be made in the following manner, that is to say:

Id s 310
1798, c 101,
sub-c 2
Probate of wills.

15. The Orphans' Courts, and in their recess, the registers of wills, in this State are authorized to take the probate of any will, testament or codicil, whether the same has relation to real or personal estate, or to both real and personal estate.

Id s 311
1798, c 101,
sub-c 15, s 1,
1831, c 315, s 1
Probate by
whom to be
taken

532, 24 Md 377, 28 Md. 98, 29 Md 24 32 Md 9, 33 Md 609, 39 Md 535, 8 Md 15, 14 Md.