

An. Code, 1924, sec. 344. 1912, sec. 334. 1904, sec. 327. 1888, sec. 319. 1810, ch. 34, sec. 2. 1884, ch. 293. 1888, ch. 544. 1894, ch. 151. 1914, ch. 238.

350. Every will or other testamentary instrument executed without this State in the mode prescribed by law, either of the place where executed or of the testator's domicile, or according to the forms required by the law of this State shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the law of this State, provided, said last will and testament is in writing and subscribed by the testator; and if the testator was originally domiciled in Maryland, although at the time of making the will or at the time of his death he may be domiciled elsewhere, the said last will or testamentary instrument so executed shall be admitted to probate in any orphans' court of this State; and when so admitted shall be governed by and construed and interpreted according to the law of Maryland, without regard to the *lex domicilii*, unless the testator shall expressly declare a contrary intention in said will or testamentary instrument.

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. *Quære*, 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.

Where testatrix, formerly domiciled in Baltimore, executed a will, then removed to Germany where she executed two papers, the last one purporting to revoke the first one, held that the third paper, which could not be admitted as a completed will, since it did not dispose of any estate and did not act as the revocation of the first will, but revived it. *Rabe v. McAllister*, *Daily Record*, Nov. 3, 1939.

A holographic will made in France, not witnessed, but executed in accordance with the laws of France is valid to pass real estate in Maryland. This section qualifies sec. 336. History of this section. The word "valhd" construed. This section refers to wills of real estate as well as to those of personalty. Effect of latter portion of this section upon construction and interpretation of will written in French. *Lindsay v. Wilson*, 103 Md. 266.

The portion of this section making valid in Maryland a will executed as required by law of place where it is executed applied. *Olivet v. Whitworth*, 82 Md. 276.

An. Code, 1924, sec. 346. 1912, sec. 336. 1904, sec. 329. 1888, sec. 321. 1849, ch. 229.

351. Every last will and testament executed in due form of law after the first day of June, 1850, shall pass all the real estate which the testator had at the time of his death.

Where a testator bequeaths all that he "is worth, amounting to \$4300 or thereabout which is now in possession of Carroll Spence as trustee," to his two sisters, the will does not operate to pass a portion of estate in hands of Safe Deposit Company. Mere fact that will was made 57 years before testator's death would not prevent its operating upon property owned by testator at time of his death, if that was his intention. Presumption against intestacy. History of this section. *Albert v. Safe Deposit Co.*, 132 Md. 109.

A devise or bequest of all testator's real or personal property passes all of his property which he could dispose of by will at time of his death. *Redwood v. Howison*, 129 Md. 590.

This section makes the will speak as to subject matter of disposition, as of time of testator's death, changing the former rule in that respect. *Lavender v. Rosenheim*, 110 Md. 155; *Bourke v. Boone*, 94 Md. 477.

This section does not operate to pass "after-acquired" property contrary to testator's intention. *Lindsay v. Wilson*, 103 Md. 268; *Bourke v. Boone*, 94 Md. 477; *Rizer v. Perry*, 58 Md. 134; *Rea v. Twilley*, 35 Md. 411; *Taylor v. Watson*, 35 Md. 519.

A will executed in conformity with sec. 350 is as much "in due form of law" as one executed under sec. 336. The fact that a testator did not know, when his will is drawn, that he would acquire certain property, does not prevent application of this section. *Lindsay v. Wilson*, 103 Md. 268.