

This section referred to in construing sec. 350—see notes thereto. This section makes no distinction between wills of real property and those of personalty. *Lindsay v. Wilson*, 103 Md. 267.

This section construed in connection with secs. 37 and 369—see notes to sec. 37. *Dalrymple v. Gamble*, 66 Md. 311.

An. Code, 1924, sec. 362. 1912, sec. 352. 1904, sec. 345. 1888, sec. 336. 1798, ch. 101, sub-ch. 2, sec. 4.

367. An attested copy, under the seal of office, of any will, testament or codicil, recorded in any office authorized to record the same, shall be admitted as evidence in any court of law or equity; provided, that the execution of the original will or codicil be subject to be contested until a probate hath been had, according to the laws of this State.

For cases apparently now inapplicable to this section by reason of changes in the law, see *Campbell v. Porter*, 162 U. S. 483; *Darby v. Mayer*, 10 Wheat, 465.

See notes to sec. 366.

An. Code, 1924, sec. 363. 1912, sec. 353. 1904, sec. 346. 1888, sec. 337. 1785, ch. 46, sec. 3. 1892, ch. 504.

368. If any witness or witnesses to any will shall die before probate thereof, or if at the time of the probate of any will any witness or witnesses shall be non-residents or beyond the jurisdiction of the orphans' court, or if for any other reason their presence cannot be secured, then proof by any credible witness of the signature of the testator or of the signature of any such deceased or absent witness shall have the same effect upon the probate of said will as if said deceased or absent witness had been present at said probate and had testified that said will was duly executed.

Construction of sec. 336 in accord with this section. *Preston v. Preston*, 149 Md. 511.

This section held to have been complied with an evidence ruled admissible accordingly. *Safton v. Krumm*, 107 Md. 405.

Attestation of a witness upheld under this section; see notes to sec. 336. *Woodstock College v. Hankey*, 129 Md. 681.

The attestation clause is itself *prima facie* evidence of facts therein recited. This section referred to in construing sec. 336—see notes thereto. *Conrades v. Heller*, 119 Md. 461.

See notes to secs. 335, 362 and 365.

An. Code, 1924, sec. 364. 1912, sec. 354. 1904, sec. 347. 1888, sec. 338. 1854, ch. 140. 1882, ch. 285.

369. Any person who may be interested in any devise or bequest of any property within the limits of this State, or that may be brought into this State after the bequest contained in any will admitted to probate and recorded in any other State or territory of the United States, or in any foreign country, may procure a copy of said will, with a copy or certificate of the probate thereof, authenticated in the mode and by the officer duly authorized therefor by the laws of such State, territory or foreign country, and file the same in the office of the register of wills of any county in this State or the city of Baltimore; and thereupon, it shall be the duty of said register to record the same as other wills admitted to probate in his office; and a copy of any record which has heretofore been made or shall hereafter be made as hereinbefore provided certified under the hand of said register and the seal of his office, shall be evidence in all suits and actions to be tried in any court in this State, or before any justice of the peace, wherein the title to any property, real or personal, thereby devised or given shall be in question, with the same force and effect as if the original will had been admitted to probate in this State, according to the laws thereof.

Holograph wills made in Germany filed in Office of Register of Wills under this section. *Rabe v. McAllister*, Daily Record, Nov. 3, 1939.