

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.

338.

In the light of this section and of sections 322, 323, 343 to 346 and 348 and 349, the jurisdiction conferred upon the orphans' court to take probate of wills held to be exclusive, and a court of equity held to have no power to determine whether a will should be probated or to revoke an order of the orphans' court admitting it to probate. When a will has been probated and letters testamentary granted before a caveat is filed, such action of the orphans' court cannot be reviewed or revoked by a court of equity. Injunction denied. *Bradley v. Bradley*, 117 Md. 519; *Bradley v. Bradley*, 119 Md. 649.

While the jurisdiction conferred upon the orphans' court by this section is exclusive, that court is in the exercise of such jurisdiction limited to the probate of *wills, testaments* and *codicils*; it is not authorized to take probate of any paper writing not of such testamentary character. A proceeding to probate a will is one *in rem* and calls for the exercise of judicial rather than the ministerial powers of the court. Meaning of the term "probate" and what is involved therein. The probate of a will by the orphans' court, like any other judgment of a court of competent jurisdiction, is conclusive until reversed or set aside according to law. *Bradley v. Bradley*, 119 Md. 62.

341.

See notes to section 14.

343.

See notes to section 338.

344.

See notes to section 338.

345.

See notes to section 338.

346.

See notes to section 338.

348.

See notes to section 338.

349.

See notes to section 338.