nesses, whether within the State of Maryland or beyond its jurisdiction, provided that before the original will is taken from the office of said register of wills for the purpose of being so proved, the said register shall cause to be made out and filed among the records of his court a copy of said will duly certified under the seal of his court; and the probate of any will so taken shall have the same effect and be as valid as if all of the witnesses thereto had appeared before and been examined by the orphans' court or the register of wills of the county or city where the same had been filed for probate and record; provided further that the orphans' court may in their discretion, accept proof of any will, in the manner prescribed in section 363, when the attendance of the witnesses thereto cannot, in the judgment of the said court, be conveniently had.

In view of this section and of sec. 363, where there is no evidence that witnesses to a will were dead at time of testator's death or that they died a short time thereafter, and will is not probated for more than eleven years after testator's death, law requires, in order to establish execution of will, more than proof by a witness, who is executor and practically sole beneficiary under will, of signature of testator and attesting witnesses, particularly when will has been destroyed by fire and a copy is offered for probate. Tinnan *v.* Fitzpatrick, 120 Md. 348.

A certificate of register as to proof by witnesses of a will held to comply with this section. Parker *v.* Leighton, 131 Md. 412.

This section referred to in deciding that when a will has been granted or denied probate after contest decision is final and same question cannot again be raised by a suit in ejectment. Operation and effect of act of 1831, ch. 315. Johns *v.* Hodges, 62 Md. 536. And see Worthington *v.* Gittings, 56 Md. 549.

For other cases involving act of 1831, ch. 315, see Colvin *v.* Warford, 20 Md. 286; Warford *v.* Colvin, 14 Md. 532; Randall *v.* Hodges, 3 Bl. 481; Townshend *v.* Duncan, 2 Bl. 86.

See notes to secs. 331 and 357.

An. Code, sec. 351. 1904, sec. 344. 1888, sec. 335. 1785, ch. 46, secs. 2-4.

361. A copy of the record of any will which the laws of the State or country where the same may be executed require to be recorded or registered, and which hath been recorded or registered agreeably to such laws, under the hand of the keeper of such record or register, and the seal of the court or office in which such record or register hath been made, or a copy of any will lodged for safe keeping in any office or court agreeably to the laws of the State or county as aforesaid, and certified as aforesaid, shall be good and sufficient evidence in any court in this State to prove such will. Where any will hath been or shall be executed in any other of the United States, or in any foreign country, and to give validity to which recording or registering is not or shall not be made necessary, proof of the execution thereof by the oath of the subscribing witnesses to the same, or any of them, taken before any court, judge or justice, or other officer of the State or country where such will hath been or may be executed, having by law authority to administer an oath, and a certificate under seal from the governor, chief magistrate, or a notary public of such State or country, that the court or officer before whom such oath shall be taken hath authority to administer the same, and that such oath hath been duly made before such court, judge, justice or officer, shall be good and sufficient evidence in any court in this State to prove such will.

A copy of a will from the records of another state is not admissible in evidence in this state for purpose of proving title to land situated here. Beatty *v.* Mason, 30 Md. 411; Budd *v.* Brooke, 3 Gill, 232.