

99.

See notes to section 116.

100.

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1916, ch. 14.

108A. In no case shall the mere failure of administrators or executors to plead plene administravit or insufficiency of assets of their decedents render any judgments against them in their representative capacity personally binding upon them as individuals or upon their property or upon the sureties on their bonds.

116.

The fact that the claim of a plaintiff is not passed by the orphans' court or proven as provided in sections 83, 97, 99 and 100, does not prevent such plaintiff from maintaining a bill in equity, praying that the estate be administered under the direction of the equity court, that the will be construed, that an ante-nuptial contract be enforced, etc. *Schnepfe v. Schnepfe*, 124 Md. 335.

To the second note to this section on page 2071 of volume 2 of the Annotated Code, add *Schnepfe v. Schnepfe*, 124 Md. 336.

Distribution.

120.

For a case dealing with the act of 1892, chapter 571 (section 32 of article 93 of the code of 1888, now repealed), see *Brian v. Tylor*, 129 Md. 158.

121.

A fund, if it was treated as personalty at the date of its division between the father and the children of his first wife, was properly distributed. *Laches. Henderson v. Harper*, 127 Md. 432.

122.

This section applied. *Pacholder v. Rosenheim*, 129 Md. 458.

This section referred to in determining whether a widow was included in the term "heirs" as used in a will. *Shriver v. Shriver*, 127 Md. 491.

1904, art. 93, sec. 125. 1888, art. 93, sec. 126. 1860, art. 93, sec. 127. 1798, ch. 101, sub-ch. 11, sec. 7. 1916, ch. 224, sec. 126.

126. If there be a father and mother and no children or descendants, the whole shall be divided equally between the father and mother.

Where a testatrix gives her husband a life estate in property, and from and immediately after his death, to her daughter absolutely if she be living at the time of her husband's death, and if not then to her children or descendants, and in default of children or descendants then to the daughter's next of kin, no estate vests in the daughter until after the death of the husband. An ultimate limitation in favor of next of kin or heirs does not include a husband unless such an intention appears. *Safe Deposit & Trust Co. of Balto. v. Carey*, 127 Md. 595.

See notes to this section in volume 2 of the Annotated Code