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| <p>56. Failure of purchaser to comply; proceedings upon.</p> <p>57. Life estate of surviving husband.</p> <p>58. Sale free of such life estate.</p> <p>59. Allowance to such tenant for life.</p> <p>60. Where such estate is acquired after return but before sale, return shall be altered accordingly.</p> <p>61. Life tenant under deed or devise; same proceedings to be had.</p> <p>62. Widow's dower to be laid off.</p> <p>63. Consent of widow to sale; allowance out of proceeds.</p> | <p>64. Compensation to commissioners, how paid.</p> <p>65. Deed to the party electing upon payment of valuation.</p> <p>66. Deed to the purchaser.</p> <p>67. Deed to assignee or representative of purchaser.</p> <p>68. Vacancies amongst commissioners, how to be filled.</p> <p>69. Court may order deed to be made to purchaser.</p> <p>70. Proceedings not to be set aside for matter of form.</p> |
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Descents.

1904, art. 46, sec. 1. 1888, art. 46, sec. 1. 1860, art. 47, sec. 1. 1786, ch. 45.
1820, ch. 191, sec. 1.

1. If any person seized of an estate in lands, tenements, or hereditaments, lying in this State, in fee simple, or fee simple conditional, or of an estate in fee tail general, shall die intestate thereof, such lands, tenements or hereditaments shall descend in fee simple to the kindred, male and female, of such person, in the following order, to wit:

Words construed.

A devise to a son for life and "to his children and the heirs of such children of the blood of their father," held to create a conditional fee, which under this section is converted into an unqualified fee. There is nothing in section 28 conflicting with this view. *B. & O. R. R. Co. v. Patterson*, 68 Md. 608. And see *Wells v. Beall*, 2 G. & J. 458.

The word "kindred" as used in this section means heirs or relations by consanguinity. This section referred to in connection with article 93, section 22. *Kearney v. Turner*, 28 Md. 424.

The word "seized" as used in the act of 1786, ch. 45, has reference to both legal and equitable seisin. *Matthews v. Ward*, 10 G. & J. 454.

For a discussion of the words "dying intestate," see *Medley v. Williams*, 7 G. & J. 62.

Estates tail male and estates tail female are not included within the definition of estates tail general as used in this section. *Pennington v. Pennington*, 70 Md. 436.

Generally.

Persons inheriting under the act of 1786, ch. 45, take as co-parceners, all constituting but one heir. *Gilpin v. Hollingsworth*, 3 Md. 194. And see *Warfield v. Warfield*, 5 H. & J. 464; *Mitchell v. Gover*, 1 H. & J. 512; *Hoffar v. Dement*, 5 Gill, 137.

Prior to the act to direct descents (1786, ch. 45), the right of primogeniture existed in this state as at common law. The purpose of said act and of the act of 1820, ch. 191. History of this section. *Catlin v. Catlin*, 60 Md. 575; *Sprigg v. Moale*, 28 Md. 510. And see *Chelton v. Henderson*, 9 Gill, 437; *Stewart v. Jones*, 8 G. & J. 1; *Newton v. Griffith*, 1 H. & G. 129; *Tessier v. Wyse*, 3 Bl. 38; *Medley v. Williams*, 7 G. & J. 70.

Estates tail have by statute been converted into fee simple estates. (See also, article 21, section 24.) *Chew v. Chew*, 1 Md. 173; *Hatton v. Weems*, 12 G. & J. 84; *Hill v. Hill*, 5 G. & J. 96; *Shriver v. Lynn*, 2 How. 55.

As to estates tail prior to the act of 1786, ch. 45, see *Haxton v. Archer*, 3 G. & J. 211; *Mayson v. Sexton*, 1 H. & McH. 275.

For cases dealing with the act of 1786, ch. 45 (the act to direct descents), as applicable to estates tail, see *Wickes v. Wickes*, 98 Md. 317; *Stansbury v.*