

As to the express and implied revocation of a will by a subsequent will; a revival of the first will by the cancellation of the second will, and the effect of the second will being inoperative. see *Colvin v. Warford*, 20 Md. 358.

For a case involving the revocation of a will when made both before and after a deed conveying land in trust for such uses as the will declares, see *Baltimore v. Williams*, 6 Md. 235.

This section construed in connection with section 323—see notes thereto. *Remington v. Metropolitan Bank*, 76 Md. 548; *Western Maryland College v. McKinstry*, 75 Md. 190; *Hooper v. Creager*, 84 Md. 252 (dissenting opinion).

1904, art. 93, sec. 319. 1892, ch. 169, sec. 311 A. 1894, ch. 143.

325. Sections 323 and 324 of this article shall not apply to any will or bequest executed prior to the first day of August, 1884, but as to any such will or bequest, the law as it existed prior to the said date shall apply and govern the same.

This section construed in connection with section 323—see notes thereto. *Remington v. Metropolitan Bank*, 76 Md. 548; *Western Maryland College v. McKinstry*, 75 Md. 190; *Hooper v. Creager*, 84 Md. 252 (dissenting opinion).

Ibid. sec. 320. 1888, art. 93, sec. 313. 1860, art. 93, sec. 304. 1810, ch. 34, sec. 4. 1832, ch. 295. 1910, ch. 37 (p. 323).

326. No devise, legacy or bequest shall lapse or fail of taking effect by reason of the death of any devisee or legatee (actually and specially named as devisee or legatee, or who is or shall be mentioned, described or in any manner referred to, or designated or identified as devisee or legatee in any will, testament or codicil) in the lifetime of the testator, except as hereinafter provided, but every such devise, legacy or bequest shall have the same effect and operation in law to transfer the right, estate and interest in the property mentioned in such devise or bequest as if such devisee or legatee had survived the testator; provided, however, that this section shall not apply to the last will, testament or codicil of any person dying after March 31, 1910, where the maker of said last will, testament or codicil, after the execution thereof and before the death of such devisee or legatee, shall become insane or otherwise incompetent to cancel, revoke, annul, obliterate or alter said last will, testament or codicil.

Application of this section.

This section has no application to a devise to one who is dead at the time the will is made. The terms "lapse" and "fail of taking effect", defined. *Billingsley v. Tongue*, 9 Md. 581.

This section has no application where the legatee or devisee is given a life estate only. *Mercer v. Hopkins*, 88 Md. 314.

History of this section. Purpose of the act of 1832, ch. 295. This section has no application to a devise to the surviving children of A. *Young v. Robinson*, 11 G. & J. 341. And see *Craycroft v. Craycroft*, 6 H. & J. 54; *Helms v. Franciscus*, 2 Bl. 560.

The act of 1832, ch. 295, held to have no application where the will was made and the testator died before its passage. *Wootten v. Burch*, 2 Md. Ch. 197.

This section applied—see notes to section 12S. *Halsey v. The Convention*, 75 Md. 283; *Lindsay v. Wilson*, 103 Md. 275.

Generally.

A bequest saved by this section from lapsing, goes direct to the deceased legatee's representatives without vesting in his executor or administrator, and