implied power to sell founded upon supposed necessity for a sale by executors in order to effectuate legacies cannot be urged with same force as prior thereto. The sale under this section cannot be made by executors, but must be made by legatees. A will held to show no "contrary intention." St. John's Church *v.* Deppoldsman, 118 Md. 244.

A bequest of $2,000 in trust held to be a charge or lien upon a farm. Distinction between general and specific bequests; devise held general. Bristol *v.* Stump, 136 Md. 238.

Under wills executed prior to adoption of this section, personal estate is primary fund for payment of legacies, and they are never charged upon real estate unless such an intention is manifest; such intention held not to be shown. Pearson *v.* Wartman, 80 Md. 531.

This section has no retroactive operation; law prior thereto. Ewell *v.* McGregor, 96 Md. 359.

An. Code, sec. 332. 1904, sec. 325. 1888, sec. 317. 1862, ch. 161.

341. In any devise or bequest of real or personal estate, the words "die without issue," or "die without leaving issue," or any other words which may import either a want or a failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime, or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will.

This section referred to in deciding that where a will gave certain property to testator's son, his heirs, executors and assigns, but added that should his son die intestate whether in testator's lifetime or afterwards, leaving no issue living at time of his death, then the son's share should survive to, and vest in, certain devisees, the children of one of these devisees, now deceased, took no interest in share of the son, who died intestate and without issue. An executory limitation to take effect on a definite failure of issue in first taker is valid, but a limitation to take effect on a general or indefinite failure of issue is void. An executory devise may be limited after a fee simple, but in such case former must be made determinable on some contingent event. See notes to sec. 336. Bradford *v.* Mackenzie, 131 Md. 336.

This section applied. The words "dies without bodily heirs" are embraced within this section—these words construed. A will held not to show a "contrary intention." Weybright *v.* Powell, 86 Md. 576; Combs *v.* Combs, 67 Md. 16.

Except as to cases covered by this section, and unless there be words in will to explain and restrict legal import of words "dying without heirs," etc., a limitation over on such contingency is void. Gable *v.* Ellender, 53 Md. 315. And see Mason *v.* Johnson, 47 Md. 355; Woollen *v.* Frick, 38 Md. 437.

This section applied; object thereof. This section distinguished from a similar English statute. Gambrill *v.* Forest Grove Lodge, 66 Md. 25 (*cf.* the dissenting opinion in this case). Mason *v.* Johnson, 47 Md. 355.

This section applied. Hutchins *v.* Pearce, 80 Md. 445; Lednum *v.* Cecil, 76 Md. 153.

This section has no retroactive operation; law prior thereto. Benson *v.* Linthicum, 75 Md. 144; Comegys *v.* Jones, 65 Md. 320; Dickson *v.* Satterfield, 53 Md. 322; James *v.* Rowland, 52 Md. 466; Estep *v.* Mackey, 52 Md. 596; Woollen *v.* Frick, 38 Md. 437.

Prior to this section the rigidity with which rule in Shelly's case was applied elsewhere had been relaxed somewhat in Maryland. Henderson *v.* Henderson, 64 Md. 191.

This section held to prevent an estate tail from arising by implication. Goldsborough *v.* Martin, 41 Md. 503.

A devise over conceded not to be void for indefiniteness under this section. Lumpkin *v.* Lumpkin, 108 Md. 487; Duering *v.* Brill, 127 Md. 109.

Cited but not construed in Pennington *v.* Pennington, 70 Md. 438; Carpenter *v.* Boulden, 48 Md. 129.

For a similar section applicable to deeds, see art. 21, sec. 92.