An. Code, 1924, sec. 339. 1912, sec. 330. 1904, sec. 323. 1888, sec. 316. 1888, ch. 249.

345. Every devise and bequest purporting to be of all real and personal property belonging to the testator shall be construed to include also all property over which he has a general power of appointment, unless the contrary intention shall appear in the will or codicil containing such devise or bequest.

Where deeds of leasehold property were executed, reserving to grantor life estate, and gave him power to dispose of the property, held that the deeds should supersede the will which had been previously executed, since the design of the grantor was plainly apparent. Gassinger *v.* Thillman, 160 Md. 196.

Under will giving husband life estate in all her property, with full power to sell and convey absolutely or by way of mortgage or lease, any or all of her property and to reinvest the proceeds in his discretion, held that husband had power to sell or mortgage in fee simple. Reeside *v.* Annex Bldg. Assn., 165 Md. 208.

Donee is presumed to have intended to exercise power of appointment by his will unless contrary intention appears in will itself. Art Students' League of N. Y. *v.* Hinkley, 31 Fed. (2nd), 469.

Cited but not construed in Cowman *v.* Classen, 156 Md. 444.

This section held to apply to wills containing devises or bequests which, considered together, purport to exhaust the testator's property. Merwin *v.* Carroll, 171 Md. 346.

Where decedent died, insolvent, leaving will disposing of all his property, held that absolute estate in remainder, on death of his mother, left to him by his father, was subject to claims of creditors, after widow's dower. Seligman *v.* Benesch, Daily Record, Dec. 21, 1939.

This section applied. Appointee takes title directly from donor in same manner as if the power and the instrument executing it had been incorporated in one instrument. Prince de Bearn *v.* Winans, 111 Md. 469.

This section applies only to wills. How power may be validly exercised. Title upheld. Farlow *v.* Farlow, 83 Md. 122. And see Mines *v.* Gambrill, 71 Md. 35.

This section not relied upon because the will was a formal execution of the power. Cherbonnier *v.* Bussey, 92 Md. 425.

This section has no retroactive effect; law prior thereto. Thom *v.* Thom, 101 Md. 452; Cooper *v.* Haines, 70 Md. 283; Balls *v.* Dampman, 69 Md. 393; Krieg *v.* McComas, 126 Md. 382.

An. Code, 1924, sec. 340. 1912, sec. 331. 1904, sec. 324. 1894, ch. 438, sec. 316A.

346. In all wills hereafter executed, the real estate of every testator not specifically devised shall be chargeable with the payment of pecuniary legacies, wherever the personal estate after the payment of debts shall prove to be insufficient, unless the contrary intention shall clearly appear.

This section means that all the real estate of any testator, except that which is specifically devised, shall be chargeable, etc. Since the passage of this section an 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.

Even though conversion occurred, interest of testatrix held interest in realty which passed under this section, will speaking as of date of death. Gilmer *v.* Aldridge, 154 Md. 637.

An. Code, 1924, sec. 341. 1912, sec. 332. 1904, sec. 325. 1888, sec. 317. 1862, ch. 161.

347. 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