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. 342. 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. 335; Woolen *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. 108.

An. Code, 1924. sec. 342. 1912, sec. 332A. 1912. ch. 144.

348. Whenever by any form of words in any deed, will or other instrument executed after the thirty-first day of May, in the year nineteen hundred and twelve, a remainder in real or personal property shall be limited, mediately or immediately, to the heirs or the heirs of the body of a person to whom a life estate in the same property is given, the persons who on the termination of the life estate are then the heirs or heirs of the body of such tenant for life, shall take as purchasers by virtue of the contingent remainder so limited to them.

Rule in Shelley's Case applied to will probated in 1883. Effect and application of rule. Rhodes *v.* Brinsfield, 151 Md. 481.

This section referred to in construing a deed under rule in Shelley's case and statute of uses. Exception to sale sustained. Williams *v.* Armiger, 129 Md. 226.

This section referred to in a case dealing with rule in Shelley's case prior to adoption of this section. Holmes *v.* Mackenzie, 118 Md. 217; Cowman *v.* Classen, 156 Md. 435; Wickes *v.* Anderson, 171 Md. 584.

An. Code, 1924, sec. 343. 1912, sec. 333. 1904, sec. 326. 1888, sec. 318. 1810, ch. 34, sec. 1. 1884, ch. 293.

349. No nuncupative will shall hereafter be valid in this State; but any soldier being in actual military service, or any mariner being at sea, may dispose of his movables, wages and personal estate as heretofore.

As to the requisites of a nuncupative will, and the law prior to act of 1884, ch. 293, see Hammett *v.* Shanks, 41 Md. 219; Biddle *v.* Biddle, 36 Md. 630; O'Neill *v.* Smith, 33 Md. 572; Weems *v.* Weems, 19 Md. 348; Welling *v.* Owings, 9 Gill, 470; Dorsey *v.* Sheppard, 12 G. & J. 199; Brayfield *v.* Brayfield, 3 H. & J. 208.

Cited but not construed in Lindsay *v.* Wilson, 103 Md. 266.