

Hubner, 73 Md. 231; Smith *v.* Towers, 69 Md. 98 (dissenting opinion); Mason *v.* Johnson, 47 Md. 356; Posey *v.* Budd, 21 Md. 484; Newton *v.* Griffith, 1 H. & G. 111; Smith *v.* Smith, 2 H. & J. 314 (overruled by Newton *v.* Griffith, 1 H. & G. 128). See also, section 28 and notes.

This section referred to in construing sections 19, 21 and 27. Hoffman *v.* Watson, 109 Md. 544.

Cited but not construed in Billingslea *v.* Baldwin, 23 Md. 108; Phelps *v.* Stewart, 17 Md. 239; Tongue *v.* Nutwell, 13 Md. 424; Kilgour *v.* Ashcom, 5 H. & J. 82.

See sec. 28 and notes.

As to the distribution of personalty, see art. 93, sec. 119, *et seq.*

As to the conversion of fee tail estates into fee simple estates, see also, art. 21, sec. 24.

1904, art. 46, sec. 2. 1888, art. 46, sec. 2. 1860, art. 47, sec. 2. 1820, ch. 191, sec. 1.

2. To the child or children and their descendants, if any, equally.

Cited but not construed in Hoffman *v.* Watson, 109 Md. 552; Posey *v.* Budd, 21 Md. 487; Newton *v.* Griffith, 1 H. & G. 112; Dallam *v.* Dallam, 7 H. & J. 241.

As to illegitimate children, see sections 29 and 30.

As to advancements, see sec. 31. See also, sections 25 and 27.

Ibid. sec. 3. 1888, art. 46, sec. 3. 1860, art. 47, sec. 3.
1820, ch. 191, sec. 1.

3. If no child of descendant and the estate descended to the intestate on the part of the father, then to the father.

Cited but not construed in Elwood *v.* Lannon, 27 Md. 208; Posey *v.* Budd, 21 Md. 487.

See sections 11 and 19. *et seq.*

Ibid. sec. 4. 1888, art. 46, sec. 4. 1860, art. 47, sec. 4.
1820, ch. 191, sec. 1.

4. If no father living, then to the brothers and sisters of the intestate of the blood of the father and their descendants, equally.

Cited but not construed in Elwood *v.* Lannon, 27 Md. 208.

See notes to sec. 26.

Ibid. sec. 5. 1888, art. 46, sec. 5. 1860, art. 47, sec. 5.
1820, ch. 191, sec. 1.

5. If no brother or sister as aforesaid, or descendant from such brother or sister, then to the grandfather on the part of the father.

Before an uncle of the intestate can claim under section 6, he must prove that the intestate's grandfather is dead. Elwood *v.* Lannon, 27 Md. 208.

This section referred to in construing section 27—see notes thereto. Suman *v.* Harvey, 114 Md. 241.

Ibid. sec. 6. 1888, art. 46, sec. 6. 1860, art. 47, sec. 6.
1820, ch. 191, sec. 1.

6. If no such grandfather living, then to the descendants of such grandfather and their descendants, in equal degree, equally.

In the absence of all heirs to claim under prior sections, children of a deceased uncle of the intestate inherit *per capita*, to the exclusion of grandchildren of such uncle. Stewart *v.* Collier, 3 H. & J. 290.

This section referred to in construing section 27—see notes thereto. Suman *v.* Harvey, 114 Md. 241.

For cases held to be within the act of 1786, ch. 45 (the act to direct descents), see Stewart *v.* Jones, 8 G. & J. 28; Stewart *v.* Evans, 3 H. & J. 287; Medley *v.* Williams, 7 G. & J. 71.

See notes to sec. 5.