

1904, art. 46, sec. 24. 1888, art. 46, sec. 24. 1860, art. 47, sec. 24.
1831, ch. 311, sec. 11.

24. But where a trustee in fee tail or fee simple of any lands, tenements or hereditaments, who shall be seized of the naked legal estate therein without having or being entitled to any beneficial interest or estate whatsoever in the said lands, tenements and hereditaments shall die the said legal estate shall be deemed and taken to have descended to such person or persons as would have been the heirs of such trustee at common law.

This section has no application where the trustee is entitled to a beneficial interest or estate. In such case, the trust estate descends to the heirs of the trustee. Where the legal estate descends to the heirs, the trust is transmitted with it. *Duffy v. Calvert*, 6 Gill, 487.

This section held applicable, but not applied by reason of an implied disclaimer of the trust. *Dodge v. Dodge*, 109 Md. 108.

This section applied. *Latrobe v. Carter*, 83 Md. 287; *Druid Park, etc., Co. v. Oettinger*, 53 Md. 61; *Hawkins v. Chapman*, 36 Md. 95.

Ibid. sec. 25. 1888, art. 46, sec. 25. 1860, art. 47, sec. 25.
1820, ch. 191, sec. 2.

25. No right in the inheritance shall accrue to or vest in any person other than to children of the intestate, and their descendants, unless such person is in being, and capable in law to take as heir at the time of the intestate's death; but any child or descendant of the intestate, born after death of the intestate, shall have the same right of inheritance as if born before the death of the intestate.

This section means that children of an intestate born after his death shall take just as if born before his death, but no other relation born after his death shall take as heir in his own right. (See notes to article 93, section 133.) *Shriver v. State*, 65 Md. 283.

This section applied to a sister of the intestate. *Thomas v. Higgins*, 47 Md. 453.

See art. 93, sec. 133.

Ibid. sec. 26. 1888, art. 46, sec. 26. 1860, art. 47, sec. 26.
1820, ch. 191, sec. 3.

26. There shall be no distinction between brothers and sisters of the whole and half blood, all being descendants of the same father, where the estate descended on the part of the father. Nor shall there be any distinction between brothers and sisters of the whole and half blood, all being descendants of the same mother, when the estate descended on the part of the mother.

This section applied. *Lowe v. Maccubbin*, 1 H. & J. 550.
Cf. art. 93, sec. 130.

Ibid. sec. 27. 1888, art. 46, sec. 27. 1860, art. 47, sec. 27.
1820, ch. 191, sec. 4.

27. If in the descending or collateral line, any father or mother shall be dead, the child or children of such father or mother shall by representation be considered in the same degree as the father or mother would have been if living, and shall have the same share of the estate as the father or mother, if living, would have been entitled to, and no more; and in such case, when there are more children than one, the