

ARTICLE XLVI.

INHERITANCE.

Descents.

5. When property descends to grandfather on part of father.

19-20. Where intestate took estate by purchase; descent of.

27. Representation; to what extent allowed.

Descents.

3.

See notes to section 19.

4.

See notes to section 19.

1904, art. 46, sec. 5. 1888, art. 46, sec. 5. 1860, art. 47, sec. 5. 1820, ch. 191, sec. 1. 1912, ch. 92, sec. 5.

5. If no brother or sister as aforesaid, child or children, grandchild or grandchildren or other descendants from such brother or sister, then to the grandfather on the part of the father.

See notes to this section (as it stood in 1911) in volume 1 of the Annotated Code.

Ibid. sec. 19. 1888, art. 46, sec. 19. 1860, art. 47, sec. 19. 1820, ch. 191, sec. 1. 1912, ch. 92, sec. 19.

19. If the estate shall be vested in the intestate by purchase, or shall descend to or vest in the intestate in any other manner than as hereinbefore mentioned, and there be no child or descendant of such intestate, then the estate shall descend to the brothers and sisters of such intestate of the whole blood, and their children, grandchild or grandchildren, and their other descendants in equal degree equally.

While in general, if an heir conveys property away and it is then conveyed back to him, he thereafter holds the property by purchase and not by descent, the rule is different where the heir unites with other heirs in conveying the property which has descended to them, to a third party, who then conveys back the whole property to the said heir, such plan being adopted because the heir was erroneously advised that his co-heirs could not convey directly to him. Hence in the latter case the property or interest therein which descended to the heir is held by him by descent, notwithstanding the conveyance from and back to him, and in case of the death of the heir, such property or interest, in view of section 26, descended to his pieces of the half and whole blood (his father, mother, brothers and sisters being dead). *Dudrow v. King*, 117 Md. 185 (decided prior to the act of 1912, chapter 92).

See notes to this section (as it stood in 1911) in volume 1 of the Annotated Code.