

ARTICLE XLVI.

INHERITANCE

Descents.

1. Lands held in fee; heirs.
2. Surviving husband or widow—share of; sale in equity.
3. Share of husband or wife where spouse dies testate; renunciation; spouse must join in deed.

4. Dower not abolished; renunciation.
- 5-23. Repealed.
- 25-28. Repealed.
31. Repealed.

Descents.

1916, ch. 325, sec. 1.

1. If any person seized of an estate in lands, tenements or hereditaments, lying in this State, in fee simple, fee simple conditional, or in fee tail, general or special, shall die intestate thereof, said lands, tenements or hereditaments shall descend in fee simple to those persons who, according to the laws of this State now or hereafter in force relating to the distribution of the personal property of intestates, would be the distributees to take the surplus personal property of such intestate, if he had died, possessed of such, and a resident of this State; and such heirs shall take in the same proportions as are or shall be fixed by such laws relating to personal property.

1916, ch. 325, sec. 2. 1918, ch. 273, sec. 2.

2. If said intestate leave a widow or surviving husband, such widow or surviving husband shall take, as an heir, the same share or proportion of said lands, tenements or hereditaments as a widow or surviving husband takes as distributee in the personal property of her or his deceased spouse under such laws relating to personal property, and said widow or surviving husband shall hold said lands, tenements and hereditaments with the other heirs of said deceased as tenants in common, and should said lands, tenements or hereditaments be sold under a decree of any Court having jurisdiction over same in any proceedings, then it shall be unnecessary to secure the consent of said widow or surviving husband to said sale unless said widow or surviving husband shall elect to take the estate known as the dower of the widow and the dower of a surviving husband as provided for in Section 4 of this Article.