

This section applies although parties are not at time of birth of children capable of contracting marriage, and children are result of adulterous intercourse. Purpose and construction of this section. *Hawbecker v. Hawbecker*, 43 Md. 518; *Scanlon v. Walshe*, 81 Md. 129.

Under what circumstances this section will not apply, although technically complied with. Estoppel. Evidence. Sufficiency of proof. Presumption of legitimacy. *Scanlon v. Walshe*, 81 Md. 128.

This section referred to in construing sec. 7. *Miller v. Stewart*, 8 Gill, 130.

Cited but not construed in *Richardson v. Smith*, 80 Md. 98; *Southgate v. Annan*, 31 Md. 116; *Earle v. Dawes*, 3 Md. Ch. 231; *Bevans v. Taylor*, 7 H. & J. 1.

See notes to art. 93, sec. 125. See art. 93, sec. 139.

An. Code, sec. 30. 1904, sec. 30. 1888, sec. 30. 1825, ch. 156. 1868, ch. 199.

7. The illegitimate child or children of any female, and the issue of any such illegitimate child or children shall be capable in law to take and inherit both real and personal estate from their mother, or from each other, or from the descendants of each other, as the case may be; and where such illegitimate child or children shall die, leaving no descendants, or brothers or sisters, or the descendants of such brothers and sisters, then and in that case, the mother of such illegitimate child or children, if living, shall inherit both real and personal estate from such illegitimate child or children; and if the mother be dead, then and in that case, the heirs at law of the mother shall inherit the real and personal estate of such illegitimate child or children in like manner as if such illegitimate child or children had been born in lawful wedlock.

This section referred to in holding that a recovery may not be had by a mother under art. 67, sec. 2, for the death of an illegitimate child. *State v. Hagerstown*, etc., Rwy. Co., 139 Md. 79.

This section referred to in deciding that an estate passed to the mother under sec. 21, An. Code, 1912. *Donnelly v. Turner*, 60 Md. 85.

Cited but not construed in *Latrobe v. Carter*, 83 Md. 283; *Garner v. Wood*, 71 Md. 38.

21. Persons cannot claim under this section until those included in secs. 19 and 20, An. Code, 1912, are extinct, and the proviso at the end of sec. 27 of said Code does not alter this rule; hence grand-nieces take to the exclusion of first cousins. *Hoffman v. Watson*, 109 Md. 544. And see *Suman v. Harvey*, 114 Md. 241.

For an estate held to descend to the mother under this section, see *Donnelly v. Turner*, 60 Md. 85.

This section referred to in construing sec. 27, An. Code, 1912—see notes thereto. *Suman v. Harvey*, 114 Md. 241.

23. Where an illegitimate woman dies leaving no descendants, her husband inherits her estate. *Southgate v. Annan*, 31 Md. 115.

This section referred to in construing art. 45, sec. 7, and art. 93, sec. 335. *Vogel v. Turnt*, 110 Md. 201.

25. 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 art. 93, sec. 138.) *Shriver v. State*, 65 Md. 283.

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

27. In view of proviso clause at end of this section, an uncle or aunt of intestate inherits to exclusion of the children of deceased uncles and aunts, and first cousins, to exclusion of children of deceased first cousins. The distinction drawn between taking by *representation* and by *inheritance*. This section excludes grand-nephews when nephews are living. The "brothers and sisters" referred to in this section, are those of intestate. Who are "collaterals"? The last clause of this section construed in connection with secs. 19 and 21, An. Code, 1912. *Suman v. Harvey*, 114 Md. 241; *Hoffman v. Watson*, 109 Md. 546; *McComas v. Amos*, 29 Md. 131; *Elwood v. Lannon*, 27 Md. 210; *Porter v. Askew*, 11 G. & J. 346; *Levering v. Heighe*, 3 Md. Ch. 374; *Levering v. Heighe*, 2 Md. Ch. 89; *Elliott v. Elliott*, 2 Md. Ch. 468.