

This section referred to in deciding that illegitimate children were not entitled to workmen's compensation benefits. *Scott v. Independent Ice Co.*, 135 Md. 348 (decided prior to the act 1920, ch. 456).

Under this section and art. 93, sec. 139, an illegitimate child held as capable of inheriting from his mother as if he were legitimate, and his mother's surviving sister may inherit from him. *Barron v. Zimmerman*, 117 Md. 298.

Under this section, the mother of illegitimate child is entitled to share in his real and personal property just as though child were legitimate. The placing of this section under the article "Inheritance" does not affect the law. This section construed in connection with art. 93, sec. 125. *Reese v. Starner*, 106 Md. 51.

Where a woman leaves an illegitimate child, he is entitled to share in her property equally with legitimate children. *Earle v. Dawes*, 3 Md. Ch. 230.

The words "dying without issue," as applied to an illegitimate, since the adoption of this section, will be construed as if used with reference to persons born in wedlock. *Estep v. Mackey*, 52 Md. 599. See also *Reese v. Starner*, 106 Md. 53.

Act of 1825, ch. 156, recognizes no father and establishes no relation of brother and sister. Extent to which disqualification of illegitimates was removed by that act. This section will be strictly construed. *Miller v. Stewart*, 8 Gill, 130 (decided prior to the act of 1868, ch. 199). And see *Reese v. Starner*, 106 Md. 53; *Brewer v. Blougher*, 14 Pet. 178.

Purpose and construction of this section. This section discussed in connection with sec. 6. *Hawbecker v. Hawbecker*, 43 Md. 520.

This section held to have no retrospective operation. *Fornshill v. Murray*, 1 Bl. 485.

This section referred to in extending the benefit of a settlement upon a wife, to a bastard son. *Helms v. Franciscus*, 2 Bl. 582.

Cited but not construed in *Southgate v. Annan*, 31 Md. 116.

### Division and Election.

An. Code, sec. 32. 1904, sec. 32. 1888, sec. 32. 1820, ch. 191, secs. 8, 13, 43, 45, 46, 47.

**8.** If the parties entitled to the intestate's estate cannot agree upon the division thereof, or if any person entitled to any part be a minor, an

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Where nephews alone inherit, they take *per stirpes* and not *per capita*. This section is to be read in connection with sec. 19, An. Code, 1912. The words "any father or mother," construed. *McComas v. Amos*, 29 Md. 139. And see *Maxwell v. Seney*, 5 H. & J. 23.

Where intestate has in her lifetime gotten a judgment against one of her heirs, who, however, predeceased intestate, children of such heir are entitled to their mother's share, without being compelled to pay judgment. The words "and no more," discussed. *Kendall v. Mondell*, 67 Md. 445.

An illegitimate child may inherit from his mother's sister. *Barron v. Zimmerman*, 117 Md. 299 (decided prior to act of 1912, ch. 92).

**28.** This section does not affect conversion of a conditional fee into an unqualified fee under sec. 1, An. Code, 1912. *B. & O. R. R. Co. v. Patterson*, 68 Md. 608.

This section referred to in construing sec. 1, An. Code, 1912. *Newton v. Griffith*, 1 H. & G. 130.

**31.** The right of the heirs to insist that property advanced be brought into hotchpot is a legal right and cannot be defeated by the alienation of, or incumbrances placed upon, property advanced, nor is such right defeated in equity as to bringing of advancement of personalty into hotchpot with real estate, by insolvency of personal estate of ancestor. *Estate of Young*, 3 Md. Ch. 465.

The courts construe this section liberally to enforce maxim that "equality is equity." A gift to a daughter or her husband is presumed to be an advancement in absence of proof to contrary. Proof held to show an advancement. *McCabe v. Brosenne*, 107 Md. 494; *Dilley v. Love*, 61 Md. 604; *Graves v. Spedden*, 46 Md. 527. *Cf. Justis v. Justis*, 99 Md. 80.

What constitutes an advancement? Proof thereof. Where an advancement is brought into hotchpot it is valued as of time it was received and enjoyed. *Clark v. Willson*, 27 Md. 699. And see *Cecil v. Cecil*, 20 Md. 156; *Parks v. Parks*, 19 Md. 323; *Hayden v. Burch*, 9 Gill, 79; *Stewart v. State*, 2 H. & G. 114.

This section treats children who are heirs as co-partners. *Gilpin v. Hollingsworth*, 3 Md. 194; *Hoffar v. Dement*, 9 Gill, 137. And see *Warfield v. Warfield*, 5 H. & J. 464; *Mitchell v. Gover*, 1 H. & J. 512; *Morris v. Harris*, 9 Gill, 26.