

Grand-nieces take under this section to exclusion of cousins. This section construed in connection with sec. 133. *Hoffman v. Watson*, 109 Md. 553 (distinguishing *McComas v. Amos*, 29 Md. 120).

Cited but not construed in *Shriver v. State*, 65 Md. 281.

See notes to secs. 133 and 135.

An. Code, sec. 128. 1904, sec. 127. 1888, sec. 128. 1798, ch. 101, sub-ch. 11, sec. 9. 1912, ch. 91. 1916, ch. 224, sec. 128.

**133.** If there be a brother or sister or a child or descendant of a brother or sister and no child, descendant, father or mother of the intestate, the said brother, sister or child or descendant of a brother or sister shall have the whole.

This section is explanatory of sec. 132. Distribution will be made among nephews and nieces *per stirpes* and not *per capita*. *McComas v. Amos*, 29 Md. 130.

Where a testator leaves legacies to his two brothers who, however, predecease him, such legacies go to children of legatees *per stirpes* and not *per capita*. (See sec. 335.) The legatees could not dispose of the legacies by their wills. *Halsey v. The Convention*, 75 Md. 284.

See notes to secs. 125, 132 and 135.

An. Code, sec. 129. 1904, sec. 128. 1888, sec. 129. 1798, ch. 101, sub-ch. 11, sec. 10. 1916, ch. 224, sec. 129.

**134.** Every brother and sister of the intestate shall be entitled to an equal share, and a child or children of a deceased brother or sister of the intestate shall stand in the place of such brother or sister and a grandchild or grandchildren and every other descendant or other descendants of a deceased brother or sister of the intestate in existence at the death of the intestate shall stand in the place of his, her or their deceased ancestor.

Cited but not construed in *Hoffman v. Watson*, 109 Md. 554.

See notes to sec. 133.

An. Code, sec. 130. 1904, sec. 129. 1888, sec. 130. 1798, ch. 101, sub-ch. 11, sec. 11. 1912, ch. 91.

**135.** After children, descendants, father, mother, brothers and sisters of the deceased, the child or children, grandchild or grandchildren of brothers and sisters of the deceased and their descendants, all collateral relations in equal degree shall take, and no representation amongst such collateral shall be allowed, and there shall be no distinction between the whole and half blood.

Where nephews are living, grand-nephews do not take, nor do children of first cousins where first cousins are living. The word "descendants" as used in this section construed in connection with sec. 133. The term "collaterals" defined. *Suman v. Harvey*, 114 Md. 241; *Hoffman v. Watson*, 109 Md. 554; *McComas v. Amos*, 29 Md. 128. And see note (a), *Seecamp v. Hammer*, 2 H. & G. 11; *Duvall v. Harwood*, 1 H. & G. 474; *Robins v. State*, 1 H. & G. 477.

- Last clause of this section applied. *Seekamp v. Hammer*, 2 H. & G. 13.

Last clause of this section held inapplicable because there was no conversion of real estate into personalty. *Keller v. Harper*, 64 Md. 82.

See notes to sec. 132.

An. Code, sec. 131. 1904, sec. 130. 1888, sec. 131. 1798, ch. 101, sub-ch. 11, sec. 12. 1924, ch. 409.

**136.** If there be no collaterals, the grandfathers and grandmothers or such of them as may be living shall take alike.