

without having or being entitled to any beneficial interest or estate whatsoever in the said lands, tenements and hereditaments shall die the said legal estate shall be deemed and taken to have descended to such person or persons as would have been the heirs of such trustee at common law.

This section has no application where the trustee is entitled to a beneficial interest or estate. In such case, trust estate descends to heirs of trustee. Where legal estate descends to heirs, the trust is transmitted with it. *Duffy v. Calvert*, 6 Gill, 487.

This section held applicable, but not applied by reason of an implied disclaimer of the trust. *Dodge v. Dodge*, 109 Md. 168.

This section applied. *Latrobe v. Carter*, 83 Md. 287; *Druid Park, etc., Co. v. Oettinger*, 53 Md. 61; *Hawkins v. Chapman*, 36 Md. 95.

See notes to art. 16, secs. 36 and 102.

An. Code, 1924, sec. 6. 1912, sec. 29. 1904, sec. 29. 1888, sec. 29. 1820, ch. 191, sec. 7.

6. If any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be hereby legitimated and capable in law to inherit and transmit inheritance as if born in wedlock.

A child born out of wedlock but legitimated in another state, has rights of child born in wedlock as to inheritance. Such child within power of appointment. *Comity. Holloway v. Safe Dep. & Tr. Co.*, 151 Md. 335.

This section sets out the only right of inheritance from the father given an illegitimate child by our statutes. This section referred to in deciding that illegitimate children were not entitled to workmen's compensation benefits—see notes to art. 101, sec. 80. *Scott v. Independent Ice Co.*, 135 Md. 348 (decided prior to the act 1920, ch. 456).

to a third party, who then conveys back whole property to said heir, such plan being adopted because heir was erroneously advised that his co-heirs could not convey directly to him. Hence in latter case the property or interest therein which descended to heir is held by him by descent, notwithstanding conveyance from and back to him, and in case of death of heir, such property or interest, in view of sec. 26, An. Code, 1912, descended to his nieces of the half and whole blood (his father, mother, brothers and sisters being dead). *Dudrow v. King*, 117 Md. 185 (decided prior to act 1912, ch. 92).

When property is held by purchase, and when by descent. Mediate and immediate inheritance. *Latrobe v. Carter*, 83 Md. 283; *Garner v. Wood*, 71 Md. 38; *Donnelly v. Turner*, 60 Md. 81; *Stewart v. Jones*, 8 G. & J. 30.

For a case construing words "by purchase" and other words as used in act of 1786, ch. 45, and holding that land held by descent from a brother, was not within *that act*, and hence descended as at common law, see *Hall v. Jacobs*, 4 H. & J. 245.

This section applied. *Phelps v. Phelps*, 17 Md. 133.

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 *Poultney v. Tiffany*, 112 Md. 633.

20. Persons can have no standing under sec. 21, An. Code, 1912, until all those included in this section and sec. 19, said Code, are extinct. *Hoffman v. Watson*, 109 Md. 552.

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. 340. *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. 141.) *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