

This section held to have been complied with and the appellant entitled to inherit from his father; proceedings under bastardy act held not to operate as estoppel; purpose and intent of this section. Policy of the law; cases reviewed. *Dilworth v. Dilworth*, 134 Md. 590.

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. 128. See art. 93, sec. 142.

An. Code, 1924, sec. 7. 1912, 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

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.

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.