

An. Code, 1924, sec. 134. 1912, sec. 129. 1904, sec. 128. 1888, sec. 129. 1798, ch. 101, sub-ch. 11, sec. 10. 1916, ch. 224, sec. 129.

**137.** 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 (decided prior to Act 1916, ch. 224).

See notes to sec. 136.

An. Code, 1924, sec. 135. 1912, sec. 130. 1904, sec. 129. 1888, sec. 130. 1798, ch. 101, sub-ch. 11, sec. 11. 1912, ch. 91.

**138.** 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.

Collateral relations are to be ascertained by civil law method of beginning count with decedent and counting up to common ancestors and down to claimants. Meaning of "in equal degree." History of law on this subject. *Thomas v. Marriott*, 154 Md. 108.

Cited but not construed in *Brannan v. Ely*, 157 Md. 103.

Grandnephews and nieces have same right in property of granduncle as would have been possessed by their deceased ancestor. *Righter v. Clayton*, 173 Md. 142.

Where testator gave residue of estate "to my lawful heirs, being my first cousins," the children of a first cousin who predeceased testator are not entitled to inherit, for phrase "being my first cousins" had no legal effect in determining lawful heirs, there being no representation among collaterals beyond brothers and sisters. *Weaver v. McGonigall*, 170 Md. 212.

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. 136. The term "collaterals" defined. *Suman v. Harvey*, 114 Md. 241; *Hoffman v. Watson*, 109 Md. 554 (decided prior to Act 1912, ch. 91 and 1916, ch. 224); *McComas v. Amos*, 29 Md. 128. And see note (a), *Seekamp 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. 135.

An. Code, 1924, sec. 136. 1912, sec. 131. 1904, sec. 130. 1888, sec. 131. 1798, ch. 101, sub-ch. 11, sec. 12. 1924, ch. 409.

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

An. Code, 1924, sec. 137. 1912, sec. 132. 1904, sec. 131. 1888, sec. 132. 1798, ch. 101, sub-ch. 11, sec. 13.

**140.** If any person entitled to distribution shall die before the same shall be made, his or her share shall go to his or her representatives.

This section applied. *Schaub v. Griffin*, 84 Md. 563.

This section referred to in deciding that a next of kin can only make title to distributive share through an administrator. *Neale v. Hagthrop*, 3 Bl. 565.

An. Code, 1924, sec. 138. 1912, sec. 133. 1904, sec. 132. 1888, sec. 133. 1798, ch. 101, sub-ch. 11, sec. 14.

**141.** Posthumous children of intestates shall take in the same manner as if they had been born before the decease of the intestate, but no