

in the place of his or their deceased ancestor; provided, that if any child or descendant shall have been advanced by the intestate by settlement, or portion, the same shall be reckoned in the surplus; and if it be equal or superior to a share, such child or descendant shall be excluded, but the widow shall have no advantage by bringing such advancement into reckoning; and maintenance or education, or money given without a view to a portion or settlement in life shall not be deemed advancement; and in all cases, those in equal degree claiming in the place of an ancestor shall take equal shares.

Stewart v. State, 2 H. & G. 114. *State v. Jamison*, 3 G. & J. 442. *Stewart v. Pattison*, 8 Gill, 46. *Hayden v. Burch*, 9 Gill, 81. *Smith v. Donnell*, 9 Gill, 86. *Young's Estate*, 3 Md. Ch. 461. *Dugan v. Hollins*, 4 Md. Ch. 139. *Cecil v. Cecil*, 19 Md. 81. *Parks v. Parks*, 19 Md. 332. *Cecil v. Cecil*, 20 Md. 153. *Clarke v. Wilson*, 27 Md. 693. *McComas v. Amos*, 29 Md. 120. *Pole v. Simmons*, 45 Md. 246. *Dilley v. Love*, 61 Md. 603.

P. G. L., (1860,) art. 93, sec. 127. 1798, ch. 101, sub-ch. 11, sec. 7.

126. If there be a father, and no child or descendant, the father shall have the whole.

Ibid. sec. 128. 1798, ch. 101, sub-ch. 11, sec. 8.

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

Duvall & Harwood, 1 H. & G. 474. *Robbins v. State*, 1 H. & G. 476 (note). *Porter v. Askew*, 11 G. & J. 350. *McComas v. Amos*, 29 Md. 120. *Shriver v. State*, 65 Md. 278.

Ibid. sec. 129. 1798, ch. 101, sub-ch. 11, sec. 9.

128. Every brother and sister of the intestate shall be entitled to an equal share, and the child or children of a brother or sister of the intestate shall stand in the place of such brother or sister.

McComas v. Amos, 29 Md. 120.

Ibid. sec. 130. 1798, ch. 101, sub-ch. 11, sec. 10.

129. If the intestate leave a mother, and no child, descendant, father, brother, sister or child, or descendant of a brother, or sister, the mother shall be entitled to the whole; and in case there