

from such brother or sister, then to the grand-father on the part of the father, and if no such grand-father living, then to the descendants of such grand-father and their descendants in equal degree equally, and if no descendant of such grand-father, then to the father of such grand-father, and if none such living, then to the descendants of the father of such grand-father in equal degree, and so on, passing to the next lineal male paternal ancestor, and if none such, to his descendants in equal degree without end, and if no paternal ancestor or descendant from such ancestor, then to the mother of the intestate, and if no mother living, to her descendants in equal degree equally, and if no mother living, or descendants from such mother, then to the maternal ancestors and their descendants in the same manner as is above directed as to the paternal ancestors and their descendants; and if the estate descended to the intestate on the part of the mother, and the intestate shall die without any child or descendant as aforesaid, then the estate shall go to the mother, and if no mother living, then to the brothers and sisters of the intestate of the blood of the mother, and their descendants in equal degree equally, and if no such brother or sister, or descendant of such brother or sister, then to the grand-father on the part of the mother, and if no such grand-father living, then to his descendants in equal degree equally, and if no such descendant of such grand-father, then to the father of such grand-father, and if none such living, then to his descendants in equal degree, and so on, passing to the next male maternal ancestor, and if none such living, to his descendants in equal degree, and if no such maternal ancestor or descendant from any maternal ancestor, then to the father of the intestate, and if no father living, to his descendants in equal degree equally, and if no father living, or descendant from the father, then to the paternal ancestors and their descendants in the same manner as is above directed as to the maternal ancestors; and if the estate is or shall be vested in the intestate by purchase, and not derived from or through either of his ancestors, and there be no child or descendant of such intestate, then the estate shall descend to the brothers and sisters of such intestate of the whole and half blood without distinction, and their descendants in equal degree equally, and if no brother or sister, or descendant from a brother or sister, then to the father, and if no father living, then to the mother, and if no mother living, then to the grand-father on the part of the father, and if no such grand-father living, then to the descendants of such grand-father in equal degree equally, and if no such grand-father, or any descendant from him, then to the grand-father on the part of the mother, and if no such grand-father, then to his descendants in equal degree equally, and so on without end, alternating the next male paternal ancestor and his descendants, and the next male maternal ancestor and his descendants, and giving preference to the paternal ancestor and his descendants, and if there be no descendants or kindred of the intestate as aforesaid to take the estate, then the same shall go to the husband or wife, as the case may be, and if the husband or wife be dead, then to his or her kindred in the like course as if such husband or wife had survived the intestate, and then had died entitled to the estate by purchase, and if the intestate has had more husbands or wives than one, and all shall die before such intestate, then the estate shall be equally divided among the kindred in equal degree of the several husbands or wives.

And be it enacted, That no right in the inheritance shall accrue to or vest in any person other than to children of the intestate and their descendants, unless such person is in being and capable in law to take as heir at the time of the intestate's death, but any child or descendant of the intestate born after the death of the intestate shall have the same right of inheritance as if born before the death of the intestate.

And be it enacted, That if in the descending or collateral line any father or mother may be dead, the child or children of such father or mother shall, by representation, be considered in the same degree as the father or mother would have been if living, and shall have the same share of the estate as the father or mother if living would have been entitled to and no more, and in such case where there is more children than one, the share aforesaid shall be equally divided among such children.

And be it enacted, That any child or children of the intestate, or their issue, having received from the intestate any real estate by way of advancement, may elect to come into partition with the other parceners, on bringing such advancement into hotchpot with the estate descended; but such child or children, or their issue, shall not be entitled to claim a share by descent, without bringing such advancement into the common stock or hotchpot, if there be another child or children unprovided for.

And be it enacted, That nothing herein contained shall be construed or taken to alter, or in any manner change the course of descent as heretofore used and established, so as to affect the case of any entail or limitation entail whatever, made, created, and in being before the commencement of this act, but the same shall, during the continuance of the estate entail or limitation entail, and until the same may be legally destroyed or barred, descend according to the course of descent heretofore used and established, nor shall any thing herein be taken or construed to interfere with, or alter any limitation or gift by devise or otherwise, to special or particular heirs in a different course of descent from what is by this act specified, but in such cases the descent shall be according to the limitation or form of the gift or grant, until the entail shall be legally barred or destroyed.

And be it enacted, That if any man shall have one or more 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.

This act to commence on the first day of September seventeen hundred and eighty-six.

Provided always, and be it enacted, That if any citizen of this state shall be out of the state at the time when this act takes place, so that such citizen cannot have notice of the same, that then this act, and the course of descent thereby established, shall not extend to such citizen or his estate if he shall die intestate, during his absence from this state, nor shall this act affect the estate of any citizen of this state, absent as aforesaid, until three months after his return into the state.

The bill, entitled, An act for building a new prison in the city of Annapolis, was read the second time by especial order, and the question being put, That the said bill do pass? The yeas and nays being called for appeared as follow:

A F F I R M A T I V E.

The honourable Daniel Carroll, Esquire, president, the honourable John Henry, Thomas Stone, Charles Carroll, of Carrollton, John Smith, Samuel Hughes, and Daniel Bowley, Esquires.

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