

This section applies although the parties are not at the time of the birth of the children capable of contracting marriage, and the children are the result of an 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 section 30. *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 art. 93, sec. 134.

1904, art. 46, sec. 30. 1888, art. 46, sec. 30. 1860, art. 47, sec. 30.
1825, ch. 156. 1868, ch. 199.

30. 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 such illegitimate child or children in like manner as if such illegitimate child or children had been born in lawful wedlock.

Under this section, the mother of an illegitimate child is entitled to share in his real and personal property just as though the child were legitimate. The placing of this section under the article "Inheritance" does not affect the law. This section construed in connection with article 93, section 120. *Reese v. Starner*, 106 Md. 51.

Where a woman leaves an illegitimate child, he is entitled to share in her property equally with legitimate children. *Earle v. Dawes*, 3 Md. Ch. 230.

The words "dying without issue," as applied to an illegitimate, since the adoption of this section, will be construed as if used with reference to persons born in wedlock. *Estep v. Mackey*, 52 Md. 599. See also, *Reese v. Starner*, 106 Md. 53.

The act of 1825, ch. 156, recognizes no father and establishes no relation of brother and sister. Extent to which the disqualification of illegitimates was removed by that act. This section will be strictly construed. *Miller v. Stewart*, 8 Gill, 130 (decided prior to the act of 1868, ch. 199). And see *Reese v. Starner*, 106 Md. 53; *Brewer v. Blougher*, 14 Pet. 178.

Purpose and construction of this section. This section discussed in connection with section 29. *Hawbecker v. Hawbecker*, 43 Md. 520.

This section held to have no retrospective operation. *Fornhill v. Murray*, 1 Bl. 485.

This section referred to in extending the benefit of a settlement upon a wife, to a bastard son. *Helms v. Franciscus*, 2 Bl. 582.

Cited but not construed in *Southgate v. Annan*, 31 Md. 116.

Ibid. sec. 31. 1888, art. 46, sec. 31. 1860, art. 47, sec. 31. 1820, ch. 191, sec. 5.

31. 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, or the value thereof at the time such advancement was