

This section referred to in construing sec. 335—see notes thereto. *Vogel v. Turnt*, 110 Md. 203.

Cited but not construed in *Myers v. Safe Deposit Co.*, 73 Md. 424.

See notes to sec. 123.

As to the descent of real estate, see art. 46, sec. 1, *et seq.*

An. Code, sec. 120. 1904, sec. 119. 1888, sec. 120. 1798, ch. 101, sub-ch. 11, sec. 1. 1898, ch. 331.

125. If the intestate leave a surviving husband or widow, as the case may be, and no child, parent, grandchild, brother or sister, or the child of a brother or sister of the said intestate, the said surviving husband or widow, as the case may be, shall be entitled to the whole.

For a case dealing with act of 1892, ch. 571 (sec. 32 of art. 93 of Code of 1888, now repealed), see *Brian v. Tylor*, 129 Md. 158.

Art. 46, sec. 7, construed in connection with this section. The mother of an illegitimate child is a "parent" within meaning of this section. *Reese v. Starner*, 106 Md. 52. And see *Barron v. Zimmerman*, 117 Md. 302.

See secs 124 and 310 to 326 and notes, and art. 45, secs. 6 and 7.

An. Code, sec. 121. 1904, sec. 120. 1888, sec. 121. 1798, ch. 101, sub-ch. 11, sec. 2. 1898, ch. 331.

126. If there be a surviving husband or widow, as the case may be, and a child or children, or a descendant or descendants from a child, the surviving husband or widow, as the case may be, shall have one-third only.

A fund, if it was treated as personalty at date of its division between father and children of his first wife, was properly distributed. *Laches. Henderson v. Harper*, 127 Md. 432.

Although, in absence of fraud, a husband may dispose of his personal property in his lifetime as he pleases, he cannot by will deprive his widow of her interest after his death. *Hays v. Henry*, 1 Md. Ch. 337; *Dunnock v. Dunnock*, 3 Md. Ch. 140.

This section referred to in construing sec. 335—see notes thereto. *Vogel v. Turnt*, 110 Md. 200.

See notes to sec. 127.

An. Code, sec. 122. 1904, sec. 121. 1888, sec. 122. 1798, ch. 101, sub-ch. 11, sec. 3. 1898, ch. 331.

127. If there be a surviving husband or a widow, as the case may be, and no child or descendant of the intestate, but the said intestate shall leave a father or mother, or brother or sister, or child of a brother or sister, the surviving husband or widow, as the case may be, shall have one-half.

This section applied. *Pacholder v. Rosenheim*, 129 Md. 458.

This section referred to in determining whether a widow was included in the term "heirs" as used in a will. *Shriver v. Shriver*, 127 Md. 491.

Where a legacy is given to a married woman who dies before testator and without issue, but leaving a brother and a husband, the latter is entitled to one-half of legacy. *Vogel v. Turnt*, 110 Md. 200; *Harris v. Harris*, 12 G. & J. 474.

Where widow renounces her husband's will, there being no child, this section applies. *Coomes v. Clements*, 4 H. & J. 483. And see *Griffith v. Griffith*, 4 H. & McH. 101 and note (a).

An. Code, sec. 123. 1904, sec. 122. 1888, sec. 123. 1798, ch. 101, sub-ch. 11, sec. 4. 1898, ch. 331.

128. The surplus, exclusive of the share of the surviving husband or widow, as the case may be, or the whole surplus (if there be no surviving husband or widow), shall go as follows.