

Houard, a French writer, wrote in 1766 to show that Littleton's Institutes are almost a reproduction of the old custom of Normandy; to that end he gives Littleton in its original language and comments upon the different chapters. Littleton having laid down the broad maxim that if an intestate's only son dies without children, his collateral relations will succeed to his real estate, puts in the subsequent section (sec. 3, chap. 1) the case above cited:

"Mais si soit pier et fits et le pier ad un frère qui est uncle a
 "le fits, et le fits purchase terre en fée simple, et mort sans issue,
 "vivant son pier, l'uncle avera la terre comme heire al fits et ne-
 "my le pier, uncore le pier est pluis prochein de sanke, par ceo
 "qui que c'est un maxime en le ley que inhéritance poet lineale-
 "ment discender, mes nemy ascender. Uncore si le fits en tiel
 "case mort sans issue, et son uncle entra en la terre comme heire a
 "le fils (si come il devoit par la ley) et après l'uncle devia sans
 "issue, vivant le pier, donques le pier avera la terre comme heire
 "al uncle et nemy comme heire a son fits; pur ceo qu'il veigue al
 "terre per collatéral discent et nemy par linéal ascension."

Houard, after showing how this disposition of the law of England was contrary to the Salique law. "Si quis mortuis fuit et filios non habuerit, si pater ant mater superfuerint ipsi in hæreditatem succédant, t. 62, No. 1 de Alod," says, that the change in England was made by the Feudal Lords, in view of military service, as they wished to exclude fathers who would not be able to perform the military duties required of them; and that there was a diversity of opinion in Normandy until Beaumanoir established that the father succeeded to the son in preference to collaterals. He acknowledged the maxim that real estate did not ascend but, he says, that it is to be understood when there is no issue. Che que l'en dit que hiritage ne remonte point, che est a entendre. Si je ai pere et ai enfans et je muirs, mes hiritages descendent à mes enfaus et non au pere: mes se il y a nul hoir oissu de moi, nul qui m'appartiegne de costé n'emporte le mien, avant de mon père ou de ma mère.

CONSANGUINITY.—Under the common and civil law kindred are distinguished into those in the right line and those in the collateral. The right line is that of parents and children, computing by ascendants and descendants; the collateral line is