

If some children be living and others dead, leaving issue.

III. And be it enacted, That if any of the children of such intestate be living, and any be dead, the inheritance shall descend to the children who are living, and to the descendants of such children as shall have died, so that each child who shall be living shall inherit such share as would have descended to him if all the children of the intestate who shall have died, leaving issue, had been living; and so that the descendants of each child who shall be dead shall inherit the share which their parent would have received if living. 5

Same rule as to other descendants in unequal degrees of consanguinity.

IV. And be it enacted, That the rule of descent prescribed in the last section shall apply in every case where the descendants of the 10 intestate, entitled to share in the inheritance, shall be of unequal degrees of consanguinity to the intestate, so that those who are in the nearest degree of consanguinity, shall take the shares which would have descended to them had all the descendants in the same degree of consanguinity who shall have died leaving issue, been living, and so 15 that the issue of the descendants who shall have died, shall respectively take the shares which their parents if living would have received.

If the intestate leave no descendants:—rights of father, mother, &c.

V. And be it enacted, That in case the intestate shall die without lawful descendants, and leaving a father, then the inheritance shall go to such father,—unless the inheritance came to the intestate, on the 20 part of his mother, and such mother be living, and if such mother be dead the inheritance descending on her part, shall go to the father for life, and the reversion to the brothers and sisters of the intestate and their descendants, according to the law of inheritance by collateral relatives hereinafter provided, and if there be no such brothers or 25 sisters or their descendants living, such inheritance shall descend to the father in fee.

If there be no father entitled to inherit.

VI. And be it enacted, That if the intestate shall die without descendants and leaving no father, or leaving a father not entitled to take the inheritance under the last preceding section, and leaving a 30 mother and a brother or sister, or the descendant of a brother or sister, then the inheritance shall descend to the mother during her life, and the reversion to such brother or sister of the intestate as may be living, and the descendants of such as may be dead according to the same law of inheritance hereinafter provided, and if the intestate in 35 such case shall leave no brother or sister, the inheritance shall descend to the mother in fee.

And if there be neither father nor mother.

VII. And be it enacted, That if there be no father or mother capable of inheriting the estate, it shall descend in the cases hereinafter specified to the collateral relatives of the intestate: and if there 40 be several of such relatives all of equal degree of consanguinity to the intestate, the inheritance shall descend to them in equal parts, however remote from the intestate the common degree of consanguinity may be.

Succession of brothers and sisters and their descendants.

VIII. And be it enacted, That if all the brothers and sisters of 45 the intestate be living, the inheritance shall descend to such brothers and sisters; and if any of them be living and any be dead, then to the brothers and sisters and every of them who are living, and to the descendants of such brothers and sisters as shall have died, so that each