

the case of the father being dead, who otherwise would be entitled to take the inheritance ; and also for the case of his being alive, and yet not entitled to take under section 26 by reason of the estate coming *ex parte materna*, and the mother or collateral relatives being alive. Thus, assume that on John's death his father Geoffrey was either dead or not entitled to take as above-mentioned, and the mother of John and his brothers and sisters, Francis, Oliver, Bridget and Alice were alive : the mother would take for life, and the brothers and sisters *per capita* and descendants of deceased brothers and sisters would take as provided for in the 29th section (by representation). If the brothers and sisters and their descendants were dead, then the estate would go to the mother. It should be mentioned that all the brothers and sisters of the half-blood would take equally with those of of the whole blood under the 35th section, that is if John were purchaser for money, all the half-blood *ex parte paterna* and *materna* would take equally with the brothers and sisters of the whole blood ; but if John got the estate *ex parte paterna* or *materna* then the half-blood only on that side would take. ** Section 28 if unrestrained by subsequent sections would admit equally all collateral relatives of equal degrees of consanguinity to the intestate, and to allow, therefore, uncles and aunts to share with nephews and nieces, if those classes were the only relatives on the death of the intestate. Subsequent sections control and explain this sections, however. The principle upon which they proceed is, that collateral kindred claiming through the nearest ancestor, are to be preferred to collateral kindred claiming through a common ancestor more remote. The claim of the nephew is through the father of the intestate, that of the uncle through the grandfather. Leith and Smith, Blackstone, p. 481.