

child, who will be the uncle or aunt of the intestate; so it appears that the grand-father or grand-mother is nearer than the uncle or aunt; for the relation between the intestate, and the uncle or aunt, must be derived from the grand-father, or grand-mother, who is the root of the kindred, and the uncle and aunt only a branch: From this illustration it may be inferred who are in the nearest, and who in equal degree of kindred; but it is to be remembered, that if an intestate have any descendant of either sex, or of whatsoever degree, such descendant is to be preferred before all ascendants and collaterals; for instance, a son or daughter, grand-son or grand-daughter, and so on, in the descending line, is to be preferred before the father or mother in the ascending line, and brothers and sisters among the collaterals. See the table in title *Descent*.

The half blood is esteemed to be as near as the whole; but if there be a brother and sister of the half blood, and the sister be married, the administration belongs to the brother, and not to her and her husband; because in effect it makes the sister's husband administrator, who is not of kin to the intestate. 3 Salk. 21.

There is an exception to the rule about the next of kin, when there is a will, and the executor