

the surviving brother is excluded, because only of the half blood—the father cannot be heir, because an inheritance cannot lineally ascend,—but the *uncle* is heir. Suppose the uncle then to be seised of the land, and to die without issue,—if the father be alive, tho' he could not claim by lineal ascent from the son, yet he may claim as heir of the uncle of the first purchaser.—If the father should die before the uncle, the brother of the half blood of the first purchaser may claim, as heir of the uncle, the person last seised, or if the father should survive the uncle, and die seised, the brother of the half blood of the first purchaser, may claim as heir to his father, the person last seised. This is called a rule of evidence in case of descent, and the legal presumption, is, that the person who is heir to him who was last seised, is also the heir of the first purchaser; and yet it appears from the cases put, that the consequence doth not agree in fact, with the legal supposition, on the application of the above rule of evidence.

Consanguinity or kindred, what?

*Consanguinity* or kindred is the relation of persons descended from the same stock, or common ancestor, and is either lineal or collateral.—Lineal, is that which connects persons, one of whom is descended in a direct line from the other; as between a descendant, and his father, grand