

tween them; (in exclusion of the grand father, if alive.) But had the sister died in the lifetime of the intestate, and left issue, living the brother, then that brother would have been entitled to one half, and the children of the deceased's sister jointly, to the other half of the estate; not in their own right, but as representatives of their mother; but beyond brothers and sisters children, no such representation is allowed: as for instance, if the persons claiming distribution were a deceased's brother's daughter, and the grand children of another deceased's brother,—the deceased's brother's daughter shall have the whole, residue, in total exclusion of the deceased's brother's grand children. For the grand children of the brother cannot take *per capita*, in their own right, because of the brother's daughter, who is nearer of kin to the intestate; and they cannot take *per stirpes*, as representatives of their father, because the act expressly says, *that no such representation shall be admitted beyond brothers and sisters children, but shall there cease.*

Uncles and aunts, nephews and nieces, are in the same degree, and equally entitled; and no right of representation takes place, but they take *per capita*.