

C H A P. XLV.

the mother and their descendants in equal degree equally, and if no such brother or sister, or descendant of such brother or sister, then to the grand-father on the part of the mother, and if no such grand-father living, then to his descendants in equal degree equally, and if no such descendant of such grand-father, then to the father of such grand-father, and if none such living, then to his descendants in equal degree, and so on, passing to the next male maternal ancestor, and if none such living, to his descendants in equal degree; and if no such maternal ancestor, or descendant from any maternal ancestor, then to the father of the intestate, and if no father living, to his descendants in equal degree equally, and if no father living, or descendant from the father, then to the paternal ancestors and their descendants in the same manner as is above directed as to the maternal ancestors; and if the estate is or shall be veiled in the intestate by purchase, and not derived from or through either of his ancestors, and there be no child or descendant of such intestate, then the estate shall descend to the brothers and sisters of such intestate of the whole blood, and their descendants, in equal degree equally, and if no brother or sister of the whole blood, or descendant from such brother or sister, then to the brothers and sisters of the half blood and their descendants, in equal degree equally, and if no brother or sister of the whole or half blood, or any descendant from such brother or sister, then to the father, and if no father living, then to the mother, and if no mother living, then to the grand-father on the part of the father, and if no such grand-father living, then to the descendants of such grand-father in equal degree equally, and if no such grand-father, or any descendant from him, then to the grand-father on the part of the mother, and if no such grand-father, then to his descendants in equal degree equally, and so on without end, alternating the next male paternal ancestor and his descendants, and the next male maternal ancestor and his descendants, and giving preference to the paternal ancestor and his descendants, and if there be no descendants or kindred of the intestate as aforesaid to take the estate, then the same shall go to the husband or wife, as the case may be, and if the husband or wife be dead, then to his or her kindred in the like course as if such husband or wife had survived the intestate, and then had died entitled to the estate by purchase, and if the intestate has had more husbands or wives than one, and all shall die before such intestate, then the estate shall be equally divided among the kindred of the several husbands or wives in equal degree equally.

No right shall vest except in children, &c.

III. AND BE IT ENACTED, That no right in the inheritance shall accrue to or vest in any person other than to children of the intestate and their descendants, unless such person is in being, and capable in law to take as heir at the time of the intestate's death, but any child or descendant of the intestate, born after the death of the intestate, shall have the same right of inheritance as if born before the death of the intestate.

Who shall be considered in same degree, &c.

IV. AND BE IT ENACTED, That if in the descending or collateral line any father or mother may be dead, the child or children of such father or mother shall, by representation, be considered in the same degree as the father or mother would have been if living, and shall have the same share of the estate as the father or mother if living would have been entitled to; and no more; and in such case, where there is more children than one, the share aforesaid shall be equally divided among such children.

And elect to come into partition, &c.

V. AND BE IT ENACTED, That any child or children of the intestate, or their issue, having received from the intestate any real estate by way of advancement, may elect to come into partition with the other parceners, on bringing such advancement into hotchpot with the estate descended; but such child or children, or their issue, shall not be entitled to claim a share by descent, without bringing such advancement into the common stock or hotchpot, if there be another child or children unprovided for.

Entails, &c. not to be affected, &c.

VI. AND BE IT ENACTED, That nothing herein contained shall be construed or taken to alter, or in any manner change the course of descent as heretofore used and established, so as to affect the case of any entail or limitation in tail whatever, made, created and in being, before the commencement of this act, but the same shall, during the continuance of the estate in tail or limitation in tail, and until the same may be legally destroyed or barred, descend according to the course of descent heretofore used and established, nor shall any thing herein be taken or construed to interfere with or alter any limitation, grant or gift, by devise, conveyance or otherwise, to special or particular heirs in a different course of descent from what is by this act specified, but in such cases the descent shall be according to the limitation or form of the gift, devise or grant, until the entail shall be legally barred or destroyed; nor shall this act, or any thing therein contained, be taken or construed to bar or affect any widow's right of dower.

VII. AND