

Office of the Attorney General
State of North Dakota

Opinion No. 81-110

Date Issued: October 8, 1981

Requested by: Joseph Dietchman
Benson County State's Attorney

--QUESTION PRESENTED--

Whether the term 'kindred' as used in Section 23-06-03(2) of the North Dakota Century Code includes collateral blood relatives as well as lineal blood relatives.

--ATTORNEY GENERAL'S OPINION--

It is my opinion that the term 'kindred' as used in Section 23-06-03(2), N.D.C.C., includes both collateral blood relatives as well as lineal blood relatives, but does not include relatives by marriage.

--ANALYSIS--

The term 'kindred' is not defined in Chapter 23-06, N.D.C.C. Section 1-02-02, N.D.C.C., states that words used in any statute are to be understood in their ordinary sense, unless a contrary intention appears.

The term 'kindred' is found in 23A Words and Phrases, Kindred, p. 437 (1967), in the following statement:

'Consanguinity' is used by Blackstone synonymously with 'kindred,' and is defined as the relations of persons descended from the same stock or common ancestor. Authors use the term 'kin' or 'kindred' as descriptive of those only who are related by consanguinity in the ordinary sense.

A discussion of the term 'kindred' is found in 51 C.J.S., Kindred, p. 528 (1967):

The word 'kindred' has a well-established meaning, and, in a strict sense, properly signifies only such persons as are related by blood; relations by blood; relatives by blood; next of kin; a relation by birth or consanguinity; and does not include relatives by marriage.

Therefore, the term 'kindred' found in Section 23-06-03, N.D.C.C., includes collateral and lineal blood relatives of a deceased person. It does not include the deceased person's relatives by marriage.

--EFFECT--

This opinion is issued pursuant to Section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

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