

alienate the whole of his personal estate to the disherison of his wife and children. By the virtue of that conflict of principles which dogs English law everywhere, a man must support these persons so long as he lives; but at his death, though possessed of ample means, he may leave them penniless, and a burden upon the stranger or the parish. Caprice or cruelty may impel him to do so, and the law requires no better justification of an Act which it affects to consider to be a legitimate consequence of constitutional liberty. In this, as in many other points, the law is not in equilibrio with the intellect and feelings of the community. Our state of society demands a better law than the unnatural formula, "*dicat testator et erit lex.*" It requires that the children at least should derive such a benefit from their father's estate by law at his death as shall relieve the public from being a burden upon it, however light. The poor law does much, but here it is of course inoperative. The restoration, however, of the old common law of England, the *partes rationabiles*, would effect this justice, and remove the painful inconsistency which we have referred to.

LAW OF DESCENT.

ONTARIO.

Under the last clause of the 26th sect., if the estate came on the part of the mother, and she and the brothers and sisters of John, the intestate, and the descendants of such brothers and sisters were dead, then the estate would go to the father, Geoffrey. * * The 26th section varies from the Statute of Distribution in this; that failing lineal descendants, personalty goes one-half to the widow and the other half to the father; whereas under this statute, the father takes all absolutely, subject to the widow's right to one-third for life, as doweress. If there be no widow, the father, as being in the first degree, takes all personal estate absolutely, without regard to how the intestate acquired it; such regard is had, however, in the case of realty, for if it came to the intestate on the maternal side, the father only takes a life estate. Section 27 is somewhat explained by what has been said in reference to section 26. It provides for