

"in a subsequent part of the Act with respect to personal property." Now the Prince Edward Island Act (s. 2) does make the provision, and gives the mother an equal share with the remaining children. A practising lawyer of Prince Edward Island, a well-known member of Parliament, informs me that the interpretation set forth above universally prevails there, and that, to use the words of Lord Hardwicke (*Evelyn vs. Evelyn*, Ambl. 191.): "It might disturb distributions already made, which is an argument of the greatest weight in the law, if the contrary were now decided." This dictum of Lord Hardwicke is not, however, law, and, if "of the greatest weight," it is sometimes set aside by the highest Courts. (See New Brunswick.)

Blood makes no distinction in the direct line, but when a brother or sister of the whole blood and a brother and sister of the half blood are next of kin, the whole blood excludes the half blood from any share in the real estate.

Real estate, as in England, may "descend" to the grandfather, who is, however, excluded by the brother of the intestate, although in equal degree.

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### BRITISH COLUMBIA.

On the 19th November, 1858, Governor Douglas issued a proclamation declaring that the Laws of England were in force.

The English Law of Descent, 3 and 4 W. 4 c. 106 (considerably amending the Common Law) thereby became law, but it has itself been considerably altered by Local Statutes, and which now appear as chapter 88 of the Revised Statutes of 1877.

After the union of British Columbia and Vancouver's Island, an ordinance was passed (on the 6th March, 1867) introducing the Law of England. Primogeniture was abolished.

The law of intestacy was assimilated in a very great measure to that of Ontario. Uncles and their descendants exclude the grandfather in successions to real, while they are in turn excluded by the grandfather in personal successions. As in Ontario, on failure of heirs under the rules set forth in the Local Statutes, the real estate descends to the next of kin of the intes-