

or superior to the amount of the share which such child would be entitled to receive of the real and personal estate of the deceased, as above reckoned, then such child and his descendants shall be excluded from any share in the real and personal estate of the intestate.

XXII. And be it enacted, That if such advancement be not equal to such share, such child and his descendants shall be entitled to receive as much only of the personal estate, and to inherit so much only of the real estate of the intestate, as shall be sufficient to make all the shares of the children in such real and personal estate and advancement to be equal as near as can be estimated.

If such advancement be not equal.

XXIII. And be it enacted, That the value of any real or personal estate so advanced, shall be deemed to be that, if any, which may have been acknowledged by the child by an instrument in writing; otherwise such value shall be estimated according to the value of the property when given.

Value of property advanced how estimated.

XXIV. And be it enacted, That the maintaining or educating or the giving of money to a child, without a view to a portion or settlement in life, shall not be deemed an advancement within the meaning of this Act.

Educating, &c. not advancement.

XXV. And be it enacted, That the term "real estate" as used in this Act, shall be construed to include every estate, interest and right, legal and equitable, held in fee simple or for the life of another (except as in the twentieth section of this Act is before excepted) in lands, tenements and hereditaments in Upper Canada, but not to such as are determined or extinguished by the death of the intestate seized or possessed thereof, or so otherwise entitled thereto, nor to leases for years; and the term "inheritance," as used in this Act, shall be understood to mean real estate as herein defined, descended, or succeeded to, according to the provisions of this Act.

Interpretation.

XXVI. And be it enacted, That whenever in the preceding sections, any person is described as living, it shall be understood that he was living at the time of the death of the intestate from whom the descent or succession came, and whenever any person is described as having died, it shall be understood that he died before such intestate.

Interpretation.

XXVII. And be it enacted, That the expressions used in this Act, "when the estate shall have come to the intestate on the part of the father", or "mother," as the case may be, shall be construed to include every case where the inheritance shall have come to the intestate by devise, gift or descent from the parent referred to, or from any relative of the blood of such parent.

Interpretation.

XXVIII. And be it enacted, That this Act shall apply to that part of this Province called Upper Canada and to none other.

Act to apply to U. C. only.