

had not even laid any claim to it. A has now no property. C has no recourse. Was it really the "intention" of the New Brunswick Legislature to pass a spoliatory law of this kind to deprive a careful and innocent man of his property?

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#### PRINCE EDWARD ISLAND.

The colony was ceded by France in 1758. It was united to Nova Scotia in 1763. In 1769 it was made a separate colony. The first General Assembly met on the 7th July, 1773. In 1781 the law of Primogeniture was abolished. A double portion or two shares were, however, given to the eldest son. The Act now in force, chap. 23 36 Vic. does not reproduce either the Statute of Nova Scotia or New Brunswick. By the present law if there be no children the property is left to the "next of kin" in equal degree and their representatives. These last words have their importance, as, in the absence of any expressions of the testator to the contrary, the term "next of kin" would be held to mean those nearest to him in blood at the time of his death (Flood 699). By the Island Act it is enacted (s. 2) that after the death of the father, the property of a child dying in the life-time of the mother is divided in equal parts among his mother, brother, and sister, and that "when a brother or sister, or a grandfather and grandmother shall be such next of kin, the distribution shall be confined to the brother or sister, or their representatives." This clause, it may be argued, clearly shows that the interpretation put upon the words "next of kindred in equal degree." in the New Brunswick case of Doe vs. Troughton, cannot apply, and that, according to the Act, if the father were alive, he would exclude his children, being in the first degree. Moreover, one of the arguments urged at length by Chief Justice Chapman in Mahoney vs. Crane, was that it was "fair to infer that the Legislature did not contemplate the real estate ascending to the parents, or they would have made a special provision with regard to the share the mother should have, in case of her having survived the father, at the time of the death of the intestate, as they have done