



GROCERIES and EGGS

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Succession and Succession Duties

THE laws of succession which operate when no will is left are framed on broad principles and they are inelastic. The man who dies intestate is presumed to have been satisfied that his estate be divided according to the statutes of his province and except perhaps for the manner of payment of minors' shares the courts do not vary the succession. The prudent man will ascertain how the law would apply to his case and provide against that contingency by a will.

In Manitoba a man whether married or single has absolute power of disposal of his whole estate, but in other provinces a widow has certain rights which a will cannot defeat. In Saskatchewan where a man dies survived by a widow and children and leaving a will under which the widow would receive less than she would had he died intestate, that is one-third of his estate, such widow may apply to the Supreme Court for relief and the court may make such allowance to the applicant as shall be equal to one-third of the husband's estate.

In Alberta a Dower Act has recently been introduced which provides for a homestead being held undisposed of for the benefit of the widow during her lifetime subject, of course, to any mortgage rights. Subject to these exceptions and some minor details the laws of the different provinces are in general agreement. Taking the Province of Saskatchewan, for our purpose, the law would operate as follows in the case of a male domiciled in that province dying without leaving a will and survived by

- a widow and children—one-third to widow and two-thirds to children.
- a widow, parents and brothers, but no children—all to widow.
- no widow but children—the whole estate equally among the children.
- no widow nor children but parents—all to father if living or mother if father dead.

Illegitimate children (in Saskatchewan) inherit from the mother as if they were legitimate and if an intestate of illegitimate birth dies leaving no widow or husband or issue the whole of such intestate's property shall go to his or her mother.

Any man whose estate is comparatively small and which would pass under clause (a) above should consider whether his wid-

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