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SPEIGHT & VANNOSTRAND,

Dominion and Ontario Land Surveyors, Draughtsmen, etc.

Room "C" Toronto Arcade, Yonge Street
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PERSONAL ESTATE OF INTESTATES
Ontario—Since July 1st, 1886.

If the Intestate die His personal representatives leaving:

	<i>take thus, viz:</i>
Wife and child or children.....	One-third to wife, rest to child or children: if children dead, then to their representatives (that is their lineal descendants), except such child or children (not heirs-at-law) who had estate by settlement of intestate or were advanced by him in his life-time equal to the other shares.
Wife only.....	
No wife or child.....	Half to wife; rest to next of kin, in equal degree to intestate, or their legal representatives, or if no next of kin, to the Crown.
Child, children, or their representatives.....	All to the next of kin, and to their legal representatives.
Children by two wives. If no child, children or representatives.....	All to him, her or them.
Child or grandchild by deceased child.....	Equally to all.
Husband only.....	All to next of kin, in equal degree to intestate.
Husband and child or children.....	Half to child, half to grandchild, who takes by representation.
Father and mother.....	Half to him and half as if he had predeceased intestate (R. S. O. c. 108, s. 5; <i>see vide R. S. O. c. 132, s. 23</i>).
Father, mother, brother or sister.....	Third to husband and two-thirds to children.
Mother and brother or sister.....	Equally to both.
Wife, mother, brother, sister, and nephews or nieces.....	Equally to all. (See R.S.O. c. 108, ss. 5, 6.)
Wife and father.....	Whole to them equally.
Wife, mother, brother, sister, and nephews or nieces.....	Half to wife, residue to mother, brothers, sisters and nieces, but nephews and nieces take <i>per stirpes</i> .
Wife and father.....	Half to wife, half to father.
Wife, mother, nephews and nieces.....	Two-fourths to wife, one fourth to mother and one-fourth to nephews and nieces.
Wife, brother or sister and mother.....	Half to wife (under Stat. of Can. II).
Mother only.....	Half to brothers and sisters and mother equally.
Wife and mother.....	The whole (it being then out of the statute).
Brother or sister of whole blood, and brother and sister of half blood.....	Half to wife and half to mother.
Posthumous brother or sister, and mother.....	Equally to both.
Posthumous brother or sister, and brother or sister born in lifetime of father.....	Equally to both.
Father's father and mother's mother.....	Equally to both.

Uncle's or aunt's children, and brother's or sister's grandchildren.....	Equally to all.
Grandmother, uncle or aunt.....	All to grandmother.
Two aun's, nephew and niece.....	Equally to all.
Uncle and deceased uncle's child.....	All to uncle.
Uncle by mother's side, and deceased uncle's or aunt's child.....	All to uncle.
Nephew by brother, and nephew by half-sister.....	Equally <i>per capita</i> .
Brothers or sisters, and nephews or nieces.....	Equally (but the nephews or nieces take <i>per stirpes</i>).
Nephew by deceased brother, and nephews and nieces by deceased sister.....	Equally <i>per capita</i> .
Brother and grandfather.....	All to brother.
Brother's grandson and brother or sister's daughter.....	All to daughter.
Brother and two aunts.....	All to brother.
Brother and wife.....	Half to brother and half to wife.
Mother and brother.....	Equally.
Wife, and mother, and children of deceased brother or sister.....	Half to wife, one-fourth to mother, one-fourth <i>per stirpes</i> to deceased brother's or sister's children.
Wife, brother or sister, and children of deceased brother or sister.....	Half to wife, one-fourth to brother or sister <i>per capita</i> , one-fourth to deceased brother or sister's child <i>per stirpes</i> .
Brother or sister and children of a deceased brother or sister.....	Half to brother or sister <i>per capita</i> , half to children of deceased brother or sister <i>per stirpes</i> .
Grandfather and brother.....	All to brother.

By the 23rd section of R.S.O. c. 132 it was enacted that the separate personal property of a married woman dying intestate shall be distributed in the same proportion between her husband and children as the personal property of a husband dying intestate is to be distributed between his wife and children. And if there be no child or children living at the death of the wife so dying intestate, then such property shall pass or be distributed as if that Act had not passed. Descendants of intestates always take *per stirpes* - *Re Natl. 37 Chy. Div. 517.*

REAL ESTATE OF INTESTATES.

Since 1st July, 1886, realty descends to personal representatives, whether the deceased died testate or intestate. In case of intestacy to be distributed in the same way as personal estate, subject to the following modifications:

A widow is entitled to elect whether she will take dower, or a distributive share of her deceased husband's real estate (R.S.O. c. 108, s. 4, s-s. 2).

A husband entitled to curtesy may, by deed executed within six calendar months of his wife's death, elect to take curtesy in lieu of a distributive share (R.S.O. c. 108, s. 4, s-s. 3).

The father, mother, brothers and sisters of an intestate dying without issue are to share equally in real and personal estate, to the exclusion of grandfather and grandmother (R.S.O. c. 108, s. 6.)

As to real estate not disposed of or conveyed by executor or administrator within twelve months after decease of the testator or intestate, see 54 Vict. c. 18, s. 1. and 56 Vict. c. 23.