

42 L. J. ch. 367, there being no express reference to the Statute, a gift to relatives, without severance, went to all the members of the class as *joint* tenants. The Intestacy Statutes of Ontario, British Columbia, Keewatin and North West Territories, after enumerating those first entitled to the real estate of an intestate, enact that, upon failure of heirs, according to the rules laid down, the property will descend according to the Statute of Distribution. Mr. Justice Palmer, in support of his opinion, says that the words "next of kindred" are "without the context qualifying or affecting their meaning in any way." This is precisely the reason why the common law rule prevailed in the above-quoted cases. The author was impressed many years since with the ability, care and attention shown by the Courts of New Brunswick in the disposal of the cases brought before them. He regrets that he could not quote the judgment of Wood *vs.* De Forest without making some remarks upon it; more particularly as one of the learned Judges—Weldon—is now no more, dying full of years and honors. Honest criticism, however, requires that a judgment, which reverses one acquiesced in for nigh half a century as being in consonance with the law, should not be passed over in silence. The judgment assumes an intention on the part of the Legislature to set aside a previous judgment, when no one legislator ever proposed to do such a thing. The Supreme Court decided: that it was the "intention" of the Legislature to change the recognized law of descent by making a law retroactive, which last law did not alter the course of descent, as explained in *Wetmore vs. Wetmore*.

It could not be the "intention" of the Legislature to give the words "next of kindred" in the section relating to real estate, the same meaning as they had received under the English Statute of Distributions. The House of Lords had, on two occasions, decided that the term "next of kin" could have no such meaning, unless there was a reference to the Statute of Distributions. And following the rule laid down in *Roddy vs. Fitzgerald* 6 H. L. cases 823, quoted by Mr. Justice Palmer, as a primary rule in the construction of Statutes, we say, "that technical words shall have their legal meaning unless from the context it is shown that they are intended to have another."

The inhabitants of New Brunswick do not know what surprises