

PRIMOGENITURE ABOLITION BILL.

(UPPER CANADA.)

An Act to abolish the Right of Primogeniture in the Succession to Real Estate held in fee simple or for the life of another in Upper Canada, and to provide for the division thereof amongst such of the relatives of the last proprietor, as may best accord with the relative claims of such parties to consideration in the division thereof.

WHEREAS it is expedient to abolish the right of Primogeniture in the succession to real estate held in fee simple or for the life of another in Upper Canada, as such right now exists according to the laws in force in that section of the Province, and to provide for the division of such real estate amongst such of the relatives of the person last seized or possessed, and who shall have died without leaving any testamentary disposition thereof, as may best accord with the relative claims of such parties to consideration in the division thereof; Be it therefore enacted, &c. Preamble.

10 I. That whenever on or after the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-one, any person shall die seized in fee simple or for the life of another of any real estate in Upper Canada, without having lawfully devised the same, such real estate shall descend or pass by way of succession
15 in manner following; that is to say :

How real estate of an intestate dying after 1st January, 1851, shall descend,

Firstly.—To his lineal-descendants ;

Secondly.—To his father ;

Thirdly.—To his mother, and

Fourthly.—To his collateral relatives, subject in all cases to the
20 rules and regulations hereinafter prescribed.

II. And be it enacted, That if the intestate shall leave several descendants in the direct line of lineal descent and all of equal degree of consanguinity to such intestate, the inheritance shall descend to such persons in equal parts, however remote from the intestate the
25 common degree of consanguinity may be.

As to descendants in equal degrees of consanguinity.