

be stopped. The narrow jealousies of a hundred years ago which made us a mere aggregation of tribes or petty communities dignified by the name of States, furnished a plan of government entirely unsuited to a great and homogeneous people * * * The trouble is that a great many things which were really local one hundred years ago, have, through increased means of intercommunication, become general, and hence national."

The common law of England, as regards the descent of real estate in cases of intestacy, at the time of the conquest of Canada, and which was then law in the Maritime Provinces, and introduced into Ontario by the Act of 1791, may be summed up thus :

Real estate lineally descended to the eldest son ; it never ascended, it rather escheated to the Lord. The male issue was preferred to the female. If there were no male issue the females inherited share and share alike. In case of the death of the heir his representative succeeded. If the eldest son died without issue his next eldest brother succeeded. If the succession devolved upon females, the representatives of the deceased took her share.

On failure of lineal descendants, the inheritance descended to his collateral relations of the blood of the first purchaser.

The collateral heir was required to be the nearest collateral kinsman of the whole blood. The males were preferred to females, unless the lands had descended from a female. The relations on the father's side were admitted *ad infinitum* before those on the mother's side, and the relations of the father's father before those of the father's mother. But when the lands descended to a male from his mother's side the rule was totally reversed. Land could not be inherited of which the intestate was not in actual possession.

In no Province has the common law been expressly repealed, although more or less modified in each.

In the Appendix will be found a most interesting article on the distribution of the personal estate of intestates, which appeared in the London Law Magazine and Review of May, 1857, and which we have printed in *extenso*. In republishing this article in the March Number of 1858 the editor of the Upper Canada Law Journal (now continued as the Canada Law Journal),