

chase the share or shares of the other parties interested therein, giving the preference, however, to the person who would have been the heir-at-law thereto had this Act not been passed; and after such heir-at-law, then giving such preference to the several persons successively who would 5 have been such heir-at-law had this Act not been passed, and had those persons preceding them respectively in the series of such preference been dead at the time of the death of the intestate; and the parties so authorised to make such partition, shall certify particularly to the 10 Court in which proceedings for such partition may be commenced or pending, the particulars of such offer or proposition for purchase, the nature, quantity and value of the estate or share proposed to be purchased, and whether they advise such offer or proposition to be accepted or 15 rejected, and their reasons therefor; Provided always, nevertheless, firstly, that it shall be competent to any Court authorized to make partition of real estate, to direct a sale of the same if they shall think it right so to do, upon the application of any of the parties beneficially 20 interested therein, giving however the preference at all times to the person who would have been the heir-at-law to such real estate had this Act not been passed, and after such heir-at-law then giving such preference to the several persons successively who would have been such heir-at- 25 law, had this Act not been passed, and had those persons preceeding them respectively in the series of such preference, been dead at the time of the death of the intestate: And provided also, secondly, that every such preference shall be upon and subject to such terms, security 30 and conditions as such Court may think it right to direct.

Interpretation. XXVI. And be it enacted, That the term "real estate" as used in this Act, shall be construed to include every estate, interest and right, legal and equitable, held in fee simple or for the life of another (except as in the twen- 35 tieth section of this Act is before excepted) in lands tenements and hereditaments in Upper Canada, but not to such as are determined or extinguished by the death of the intestate seised or possessed thereof, or so otherwise entitled thereto, nor to leases for years; and the term 40 "inheritance," as used in this Act, shall be understood to mean real estate as herein defined, descended or succeeded to according to the provisions of this Act.

Interpretation. XXVII. And be it enacted, That whenever, in the preceding sections, any person is described as living, it 45 shall be understood that he was living at the time of the death of the intestate from whom the descent or succession came, and whenever any person is described as having died, it shall be understood that he died before such 50 intestate.