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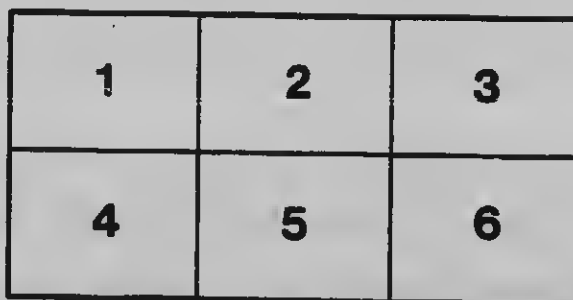
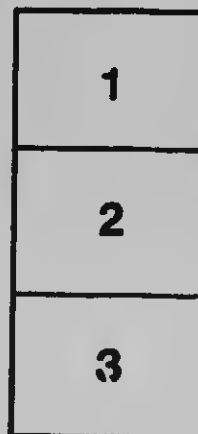
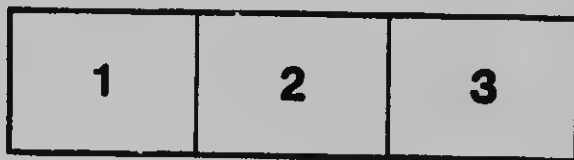
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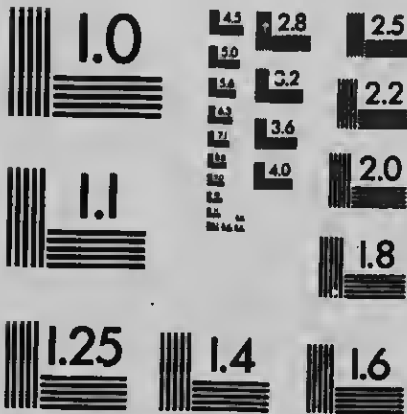
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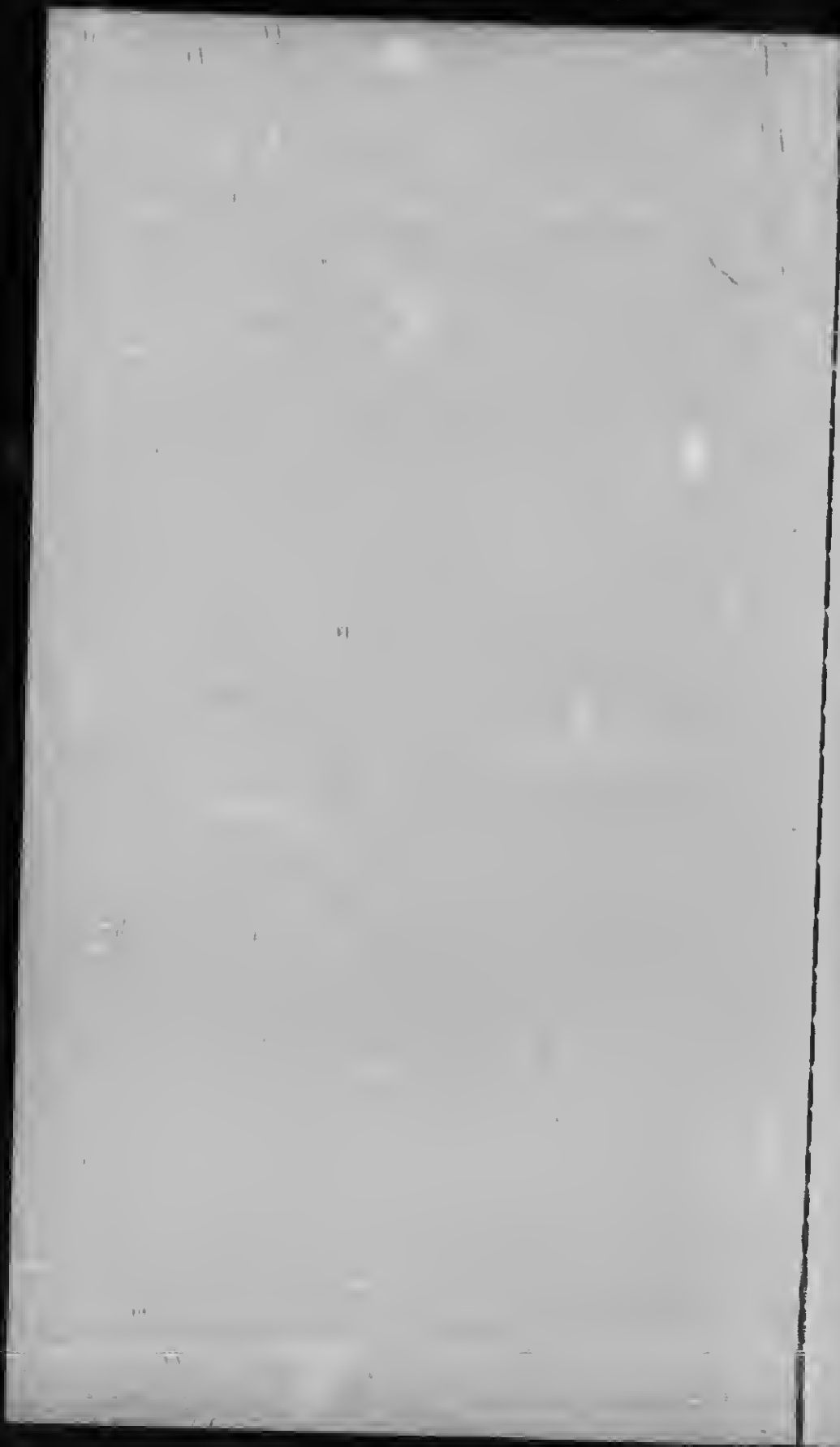
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**HOW THE LAW DISTRIBUTES
PROPERTY OF AN INTESTATE**



**COMPARATIVE SCHEDULES
SHOWING
DISTRIBUTION OF THE
ESTATES OF INTESTATES**

IN THE PROVINCES OF

ONTARIO

QUEBEC

MANITOBA

SASKATCHEWAN

ALBERTA



COMPILED BY

**NATIONAL TRUST COMPANY
LIMITED**

**FOR THE CONVENIENCE OF THE LEGAL
PROFESSION IN THE PROVINCES IN WHICH
THE COMPANY IS EMPOWERED TO ACT AS**

**EXECUTOR
ADMINISTRATOR
TRUSTEE**

**AND IN OTHER FIDUCIARY
CAPACITIES**

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FOREWORD

THIS publication is not intended as a text-book. Because of the schedule form adopted (for purposes of comparison), completeness of statement has necessarily been sacrificed to conciseness. Every effort has been made, however, to insure accuracy, and the compilers believe that within the limits imposed, the schedule, with the notes and references which follow it, will be found correct.

TABLE of DISTRIBUTION of

IF A PERSON DIES WITHOUT MAKING A WILL, LEAVING:	THE ESTATE WILL	
	ONTARIO.	QUEBEC.
1. WIFE ONLY.....	\$1,000 to wife, rest half to wife and half to next of kin in equal degree to intestate of their legal representatives, or if no next of kin to Crown.	Wife takes all, unless intestate leaves father, mother or collateral relations up to nephews and nieces in first degree. (See note E.)
2. HUSBAND ONLY.	Half to him and half as if he had pre-deceased the intestate.	If no father or mother and no collateral relations up to nephews and nieces in first degree inclusively, husband takes all. (See Note E.)
3. WIFE AND CHILD OR CHILDREN..	One-third goes to wife, the balance to child or children; if children dead, then to their lineal descendants, except such child or children as had estate by settlement of intestate or were ad-	One-third goes to wife two-thirds to child or children, to be divided in equal shares if more than one child; the issue of any deceased child taking the parent's share by representation. (See

ERRATUM.

Page 6, "Ontario" column, fifth line, for "intestate of" read "intestate or."

An experienced administrator rather than an inexperienced one. National Trust Company, Limited, acts as Administrator.

the ESTATE of an INTESTATE

[7]

BY LAW BE DISTRIBUTED THUS:

MANITOBA.	SASKATCHEWAN.	ALBERTA.
All to wife.	All to wife.	All to wife. (See Note J.)
All to husband.	All to husband.	All to husband. (See Note K.)
One-third to wife; two-thirds to child or children. Children of deceased child take parent's share. Share of any child apportioned or advanced in lifetime reduced by amount of such advance.	One-third to wife; rest to child or children; if children dead, then to their lineal descendants. Advances to be reckoned as part of shares.	If only one child has been born to the Intestate either by the wife living at his death, or by any former wife, one-half of his property goes to the wife and the other half to the child, if living, or to the legal representatives of said child, if deceased (See Note M.), and if the Intestate dies leaving a wife and more than one child, then one-third goes to wife (See Note J.), rest to children; in case any of such children be dead, then to their lineal descendants <i>per stirpes</i> . Advances to be reckoned as part of shares. (See Note N.)

There need be no uncertainty as to who takes the estate if a will be made. National Trust Company, Limited, acts as Executor.

TABLE of DISTRIBUTION

IF A PERSON DIES WITHOUT MAKING A WILL, LEAVING:	THE ESTATE	
	ONTARIO.	QUEBEC.
1. WIFE ONLY.....	\$1,000 to wife, rest half to wife and half to next of kin in equal degree to intestate of their legal representatives, or if no next of kin to Crown.	Wife takes less interest than father, next of kin collateral up to nephews and nieces in equal degree. (See Note E.)
2. HUSBAND ONLY.	Half to him and half as if he had pre-deceased the intestate.	If no father, mother and next of kin collateral relatives to nephews and nieces in equal degree in husband's estate. (See Note E.)
3. WIFE AND CHILD OR CHILDREN..	One-third goes to wife, the balance to child or children; if children dead, then to their lineal descendants, except such child or children as had estate by settlement of intestate or were advanced by him in his lifetime the equivalent of the other shares.	One-third to wife two-thirds to child or children to be divided in equal shares if more than one child or issue of an adopted child to parent's estate. (See Note E.)

An experienced administrator rather than an inexperienced one. National Trust Company, Limited, acts as administrator.

THE ESTATE WILL

BY LAW BE DISTRIBUTED THUS:

QUEBEC.	MANITOBA.	SASKATCHEWAN.	ALBERTA.
<p>Wife takes all, unless intestate leaves father, mother or collateral relations up to nephews and nieces in first degree. (See note E.)</p>	<p>All to wife.</p>	<p>All to wife.</p>	<p>All to wife. (See Note J.)</p>
<p>If no father or mother and no collateral relations up to nephews and nieces in first degree inclusively, husband takes all. (See Note E.)</p>	<p>All to husband.</p>	<p>All to husband.</p>	<p>All to husband. (See Note K.)</p>
<p>One-third goes to wife two-thirds to child or children, to be divided in equal shares if more than one child; the issue of any deceased child taking the parent's share by representation. (See Note E.)</p>	<p>One-third to wife; two-thirds to child or children. Children of deceased child take parent's share. Share of any child apportioned or advanced in lifetime reduced by amount of such advance.</p>	<p>One-third to wife; rest to child or children; if children dead, then to their lineal descendants. Advances to be reckoned as part of shares.</p>	<p>If only one child has been born to the Intestate either by the wife living at his death, or by any former wife, one-half of his property goes to the wife and the other half to the child, if living, or to the legal representatives of said child, if deceased (See Note M.), and if the Intestate dies leaving a wife and more than one child, then one-third goes to wife (See Note J.), rest to children; in case any of such children be dead, then to their lineal descendants <i>per stirpes</i>. Advances to be reckoned as part of shares. (See Note I.)</p>

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, acts as Adminis-

There need be no uncertainty as to who takes the estate if a will be made. National Trust Company, Limited, acts as Executor.

TABLE of DISTRIBUTION of

IF A PERSON DIES WITHOUT MAKING A WILL, LEAVING:	THE ESTATE WILL	
	ONTARIO.	QUEBEC.
4. HUSBAND AND CHILD OR CHILDREN.....	One-third to husband and two-thirds to children.	One-third to husband, two-thirds to child or children to be divided in equal shares if more than one child. (See Note E.)
5. WIFE AND MOTHER.....	Half to each.	One-half to wife and one-half to mother. See Note E.)
6. WIFE AND FATHER.....	Half to each.	Half to each. (See Note E.)
7. WIFE AND BROTHER.....	Half to each.	Half to each. (See Note E.)
8. WIFE, BROTHER AND SISTER....	Half to wife; half to brother and sister equally.	Half to wife; half to brother and sister equally. (See Note E.)
9. WIFE, BROTHERS OR SISTERS AND CHILDREN OF DECEASED BROTHER OR SISTER.....	Half to wife, one-fourth to brothers, or sisters <i>per capita</i> , one-fourth to deceased brother's or sister's children <i>per stirpes</i> .	Half to wife; half to brothers or sisters and children of the deceased brothers or sisters equally <i>per stirpes</i> .
10. WIFE, MOTHER AND BROTHER OR SISTER.....	Half to wife, half to brother or sister and mother equally,	One-third to wife, one-third to brother or sister, and one-third to mother. (See Note E.)

The duties of an Executor are too onerous to be imposed upon any one having affairs of his own which need his attention. National Trust Company is equipped to perform such duties effectively and economically.

the ESTATE of an INTESTATE

[9]

BY LAW BE DISTRIBUTED THUS:

MANTOBA.	SASKATCHEWAN.	ALBERTA.
One-third to husband and two-thirds to child or children.	One-third to husband and two-thirds to child or children as in case 3.	Husband takes the whole of his deceased wife's personal estate and one-third of her real estate. (See Note K.) The child or children take the other two-thirds of their deceased mother's real estate.
All to wife.	All to wife.	All to wife. (See Note J.)
All to wife.	All to wife.	All to wife. (See Note J.)
All to wife.	All to wife.	All to wife. (See Note J.)
All to wife.	All to wife.	All to wife. (See Note J.)
All to wife.	All to wife.	All to wife. (See Note J.)
All to wife.	All to wife.	All to wife. (See Note J.)

The distribution of an Intestate's Estate seldom meets the wishes of his family or of himself. Everyone should make a will. National Trust Company, Limited, acts as Executor.

TABLE of DISTRIBUTION of

IF A PERSON DIES WITHOUT MAKING A WILL, LEAVING:	THE ESTATE WILL	
	ONTARIO.	QUEBEC.
11. WIFE, MOTHER, BROTHER OR SISTER AND NEPHEWS OR NIECES.	Half to wife, residue to mother, brothers, sisters and nephews and nieces, but nephews and nieces take <i>per stirpes</i> .	One-third to wife, one-third to mother, one-third to brother or sister and nephews or nieces, the nephews or nieces taking by representation the share of their deceased parent. (See Note E.)
12. WIFE, MOTHER, NEPHEWS AND NIECES.....	One-half to wife, one-fourth to mother and one-fourth to nephews and nieces <i>per capita</i> .	One-third to wife, one-third to mother and one-third to nephews and nieces. (See Note E.)
13. CHILD, CHILDREN OR THEIR LINEAL DESCENDANTS....	All to him, her or them.	All to him, her, or them, the children sharing equally, and the children of a deceased child taking by representation the share of their deceased parent.
14. CHILDREN BY TWO WIVES....	Equally to all (all being equally of kin).	Equally to all.
15. CHILD AND GRANDCHILD BY DECEASED CHILD.....	Half to child; half to grandchild who takes deceased parent's share.	Half to child; half to grandchild, who takes by representation.

A most important kind of Insurance is that which insures an estate against being dissipated after the death of its owner. National Trust Company, Limited, acts as Executor.

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the ESTATE of an INTESTATE

BY LAW BE DISTRIBUTED THUS:

MANITOBA.	BASKATCHEWAN.	ALBERTA.
All to wife.	All to wife.	All to wife. (See Note J.)
All to wife.	All to wife.	All to wife. (See Note J.)
All to child or children. Issue of deceased child takes parent's share.	All to him, her or them. (See Note H, last paragraph.)	All to him, her or them; children taking <i>per capita</i> , representatives <i>per stirpes</i> .
Equally to all.	Equally to all.	Equally to all.
Half to child; half to grandchild, who takes by representation.	Half to child; half to grandchild who takes by representation.	Half to child; half to grandchild who takes by representation.

An Executor's remuneration is the same whether he be ignorant of the duties of the position or has had experience, and makes administration of estates his business. It is an important part of the business of National Trust Company, Limited, to act as Executor.

TABLE of DISTRIBUTION of

IF A PERSON DIES WITHOUT MAKING A WILL, LEAVING:	THE ESTATE WILL	
	ONTARIO.	QUEBEC.
16. NO WIFE OR CHILD.....	All to next of kin.	One-half to father and mother or the survivor of them, one-half to brothers and sisters, nephews and nieces (the latter taking by representation the share of their deceased parent); if both father and mother previously deceased brothers and sisters, nephews and nieces take all to exclusion of other relations; if Intestate leaves neither father nor mother, nor brothers, sisters, nephews or nieces but only other ascendants (grandparents, etc.) the latter take all to the exclusion of all other relatives; if he leaves no such ascendants, one-half goes to nearest collateral relation of paternal line, and other half to nearest collateral relation of maternal line. Relations beyond the twelfth degree do not inherit.
17. FATHER AND MOTHER.....	Half to each.	Half to each.
18. FATHER ONLY..	All to father.	All to father.
19. MOTHER ONLY.	All to mother.	All to mother.

There need be no uncertainty as to who takes the estate if a will be made. National Trust Company, Limited, acts as Executor.

BY LAW BE DISTRIBUTED THUS:

MANITOBA.	SASKATCHEWAN.	ALBERTA.
<p>All to father; if no father, all to mother, brothers and sisters equally. If no father, mother, brother or sister, all to next of kin in equal degree subject to section 12 of Devolution of Estates Act.</p>	<p>All to father; if no father, to mother.</p>	<p>All to next of kin in equal degree to the Intestate and to their legal representatives, but no representations are admitted among collaterals after brothers' and sisters' children.</p>
<p>All to father.</p>	<p>All to father.</p>	<p>All to father.</p>
<p>All to father.</p>	<p>All to father.</p>	<p>All to father.</p>
<p>All to mother.</p>	<p>All to mother.</p>	<p>All to mother.</p>

An experienced Executor rather than an inexperienced one. National Trust Company, Limited, acts as Executor.

TABLE of DISTRIBUTION of

IF A PERSON DIES WITHOUT MAKING A WILL, LEAVING:	THE ESTATE WILL	
	ONTARIO.	QUEBEC.
20. MOTHER AND BROTHER.....	Half to each.	Half to each.
21. MOTHER, BROTHER AND SISTER.....	All to them equally.	One-half to mother, one-half to brother and sister.
22. FATHER, MOTHER, BROTHER AND SISTER....	All to them equally.	One-half to father and mother, one-half to brother and sister.
23. MOTHER AND POSTHUMOUS BROTHER OR SISTER.....	Half to each.	Half to each.
24. BROTHERS AND SISTERS ONLY..	To all equally.	To all equally.
25. BROTHERS AND SISTERS AND POSTHUMOUS BROTHER OR SISTER.....	To all equally.	To all equally.
26. BROTHERS AND SISTERS OF WHOLE BLOOD, AND BROTHERS AND SISTERS OF HALF BLOOD...	To all equally.	Brothers and sisters of whole blood share one-half, and also share equally with brothers and sisters of half blood in the other half. (See Note F.)
27. BROTHERS OR SISTERS AND NEPHEWS AND NIECES.....	To nephews, or nieces <i>per stirpes</i> , to others equally.	Brothers or sisters take equally, nephews or nieces take by representation share of their deceased parent.

The question of who takes the estate is settled according to the owner's wishes if a will be left. National Trust Company Limited, acts as Executor.

the ESTATE of an INTESTATE

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BY LAW BE DISTRIBUTED THUS:

MANITOBA.	SASKATCHEWAN.	ALBERTA.
Half to each. (But see Note G.)	All to mother.	All to mother if the Intestate were a man. (See Note L.)
All to them equally. (But see Note G.)	All to mother.	All to mother, if the Intestate were a man. (See Note L.)
All to father.	All to father.	All to father.
Half to each. (But see Note G.)	All to mother.	Whole to mother if the Intestate were a man. (See Note L.)
To all equally.	To all equally.	To all equally.
To all equally.	To all equally.	To all equally.
To all equally.	To all equally.	To all equally.
Nephews or nieces take <i>per stirpes</i> , others equally.	Nephews or nieces take <i>per stirpes</i> ; others equally.	Brothers and sisters take <i>per capita</i> , nephews and nieces <i>per stirpes</i> .

An executor with many years' experience in performing the duties of an executor is better than one without such experience. National Trust Company, Limited, acts as Executor.

TABLE of DISTRIBUTION of

IF A PERSON DIES WITHOUT MAKING A WILL, LEAVING:	THE ESTATE WILL	
	ONTARIO.	QUEBEC.
28. BROTHER OR SISTER AND GRANDFATHER .	All to brother or sister.	All to brother or sister.
29. BROTHER OR SISTER AND AUNTS.....	All to brother or sister.	All to brother or sister.
30. BROTHER'S OR SISTER'S DAUGHTER OR SON AND BROTHER'S OR SISTER'S GRANDCHILD.....	All to brother's or sister's daughter or son.	All to brother's or sister's daughter or son.
31. FATHER'S FATHER AND MOTHER'S MOTHER ..	Half to each.	Half to each.
32. GRANDFATHER AND GRANDMOTHER, UNCLE OR AUNT.....	All to grandfather and grandmother equally.	If all are of the paternal line or all of the maternal line grandfather and grandmother take all equally; if grandfather and grandmother are of paternal (or maternal) line and uncle or aunt are of other line, grandfather and grandmother take one-half, uncle or aunt the other half; if grandfather is of one line and grandmother of other line, grandfather takes one-half and grandmother other half.

The position of an administrator is so difficult that his qualifications should never for a moment be in question. National Trust Company, Limited, acts as Administrator.

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BY LAW BE DISTRIBUTED THUS:

MANITOBA.	SASKATCHEWAN.	ALBERTA.
All to brother or sister.	All to brother or sister.	All to brother or sister.
All to brother or sister.	All to brother or sister.	All to brother or sister.
All to brother's or sister's daughter or son.	All to brother's or sister's daughter or son.	All to brother's or sister's daughter or son.
Half to each.	Half to each.	Half to each.
All to grandfather and grandmother equally.	All to grandfather and grandmother equally.	All to grandfather and grandmother equally.

The distribution of an Intestate's Estate seldom meets the wishes of his family or of himself. Everyone should make a will. National Trust Company, Limited, acts as Executor or Administrator.

TABLE of DISTRIBUTION of

IF A PERSON DIES WITHOUT MAKING A WILL, LEAVING:	THE ESTATE WILL	
	ONTARIO.	QUÉBEC.
32. UNCLE AND AUNT.....	Half to each.	Half to each.
34. UNCLE'S AND AUNTS, NEPHEWS AND NIECES....	Equally to all.	All to nephews and nieces <i>per capita</i> .
35. UNCLE AND DECEASED UNCLE'S CHILD.....	All to uncle.	If both are of paternal (or maternal) line uncle takes all, otherwise each takes half.
36. UNCLE BY MOTHER'S SIDE AND DECEASED UNCLE'S OR AUNT'S CHILD.	All to uncle.	Uncle takes all if deceased uncle or aunt is on mother's side, otherwise half to uncle and half to deceased uncle's or aunt's child.
37. AUNTS, NEPHEWS AND NIECES.....	To all equally.	Nephews and nieces take all <i>per capita</i> .
38. UNCLE'S OR AUNT'S CHILDREN AND BROTHER'S OR SISTER'S GRANDCHILDREN.....	To all equally.	Uncle's or aunt's children take one-quarter equally, brother's or sister's grandchild three-quarters equally.
39. NEPHEW BY BROTHER, AND NEPHEW BY HALF - SISTER OR HALF-BROTHER.....	To both equally.	Nephew by brother takes three-quarters, nephew by half-sister or half-brother one-quarter.
40. NEPHEWS AND NIECES BY DECEASED BROTHER AND NEPHEWS AND NIECES BY DECEASED SISTER	To all equally.	To all <i>per capita</i> .

An experienced administrator rather than an inexperienced one. National Trust Company, Limited, acts as Administrator.

the ESTATE of an INTESTATE

BY LAW BE DISTRIBUTED THUS:

MANITOBA.	SASKATCHEWAN.	ALBERTA.
Half to each.	Half to each.	Half to each.
All to nieces and nephews <i>per stirpes</i> .	Equally among nieces and nephews.	To all equally.
All to uncle.	All to uncle.	All to uncle.
All to uncle.	All to uncle.	All to uncle.
All to nephews and nieces.	To nephews and nieces equally.	To all equally.
To brother's or sister's grandchildren equally, but no representation.	All to brother's or sister's grandchildren.	To all equally.
To both equally.	To both equally.	To both equally.
All take <i>per stirpes</i> .	To all equally.	To all equally.

The guardian of an infant's estate should have facilities for obtaining income-producing investments. National Trust Company, Limited, acts as Guardian.

TABLE of DISTRIBUTION of

IF A PERSON DIES WITHOUT MAKING A WILL, LEAVING :	THE ESTATE WILL	
	ONTARIO.	QUEBEC.
41. COUSINS OF SAME DEGREE.	To all equally.	If all of the paternal (or the maternal) line the share <i>per capita</i> ; if different lines each line takes half which is divided <i>per capita</i> amongst the cousins of that line.
42. MOTHER AND SISTER AND NEPHEWS AND NIECES.....	Equally, nephews and nieces taking <i>per stirpes</i> .	One-half to mother, one-half to sister and nephews and nieces, the latter taking by representation the share of their deceased parent.
43. FATHER, MOTHER, SISTER, NEPHEWS AND NIECES....	Equally to father, mother and sister.	One-half to father and mother, one-half to sister, nephews and nieces as in case 42.

The Guardian of an infant's estate ought to have facilities for obtaining income-producing investments. National Trust Company, Limited, acts as Guardian.

ION of

THE WILL

SEC.

the paternal (maternal) share per different line takes divided amongst of that

mother, sister and latter present share of and par-

father one-neph-ees as

for inst

the ESTATE of an INTESTATE

[21]

BY LAW BE DISTRIBUTED THUS:

MANITOBA.	SASKATCHEWAN.	ALBERTA.
To all equally.	To all equally.	To all equally.
All to mother and sister equally if nephews and nieces are children of the surviving sister; but if they are children of a deceased brother or sister they take their parent's share <i>per stirpes</i> .	All to mother.	All to mother, if the intestate were a man. (See Note L.)
All to father.	All to father.	All to father.

An Executor with many years' experience in performing the duties of an Executor is better than one without such experience. National Trust Company, Limited, acts as Executor.

APPENDIX

NOTES

ONTARIO.

- A. By the 23rd section of the Revised Statutes, Ont., cap 132, it is 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. *Crouther v. Couthra*, 1 O.R. 128.
- B. Descendants of intestates always take *per stirpes*.
Re Natl, 37 Chy. Div. 517.

REAL ESTATE OF INTESTATES.

- C. Since July 1st, 1886, realty descends to personal representatives, whether the deceased died testate or intestate. In case of intestacy realty is distributed in the same way as personal estate, with the following modifications:
- I. 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. cap. 108, sec. 4, sub-sec. 2.)
 - II. 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. cap. 108, sec. 4, sub-sec. 3.)
 - III. The father, mother, brothers and sisters of an intestate dying without issue are to share equally the real and personal estate, to the exclusion of grandfather and grandmother. (R.S.O. cap. 108, sec. 6.)
- D. Where an unmarried woman dies intestate leaving a mother, sisters, and the children of a deceased brother or sister surviving, the nephews and nieces will take the same as are in the estate of their deceased aunt as their parents would have taken if living. *But if the father of the intestate were living, they would be excluded. Under the old statute of distributions the father of the intestate, if living, would take the whole estate.* This law was changed so far as to allow the mother and brothers and sisters of the intestate—living at the

death of the intestate—to share equally with the father in the estate; but it has been held that the amendment is not wide enough to admit the nephews and nieces to share when the father of the intestate happens to be living. (*Re Colquhoun*, 26 O.R. 104.)

QUEBEC.

- E. Where the intestate leaves children or father or mother or both, or brothers or sisters or nephews or nieces in the first degree as the case may be, the wife in order to be able to succeed to her husband must abandon all her rights in any community of property which may have existed between them, as well as all rights of survivorship which accrued to her by contract of marriage or by law, including dower.

Likewise the husband cannot succeed to his wife unless he first pays to the mass, as if a return were made under the provisions of art. 700 his share of any community of property which may have existed between him and his wife, when such community has been accepted by the succession of his said wife, or abandon to such mass all the rights and advantages conferred on him by any marriage contract which may have existed between them.

In either of the above cases the surviving consort, in order to be entitled to succeed to the deceased consort, must also renounce his or her rights to the proceeds of insurance policies made in his or her favour by the deceased consort and return such proceeds to the mass.

If on the other hand the surviving consort prefers not to abandon his or her rights under the marriage contract or by law or to the proceeds of insurance policies, such consort, in the case above mentioned, would be excluded from the succession and the estate of the deceased consort would go to his or her other heirs.

What such estate would consist of depends on whether the consorts were separate as to property or in community of property. Community of property is the partnership which the law presumes to exist between husband and wife. It exists between consorts unless it has been stipulated against by marriage contract or unless the consorts are separate as to property by judgment of a court. The property of the community consists, speaking in general terms, of all the moveable property which either of the consorts possessed at the time of their marriage and all the moveable acquired by them during marriage, or which fell to them during marriage by succession and of all the fruits, revenues and arrears of whatsoever nature, which fell due or were received by them during marriage from property which belonged to them at the time of their

marriage and all the immoveables acquired during the marriage, except such as fell to them during marriage by succession or an equivalent title. This community of property is dissolved by the death of either consort, the surviving consort being entitled to one-half of the foregoing property and the heirs of the deceased consort to the other half.

- F. If the Intestate leaves brothers, sisters, nephews or nieces issue of different marriages, an equal division is made between the two lines, paternal and maternal, of the deceased, those of the whole blood sharing in each line and those of the half blood sharing in their own line only.

MANITOBA.

G. Sections 9 and 10 of the Devolution of Estates Act (Manitoba) provide as follows:—

9. If any intestate shall die, leaving several children, or leaving one child and the issue of one or more others, and any such surviving child shall die under age and not having been married, all the estate that came to the deceased child shall descend in equal shares to the other children of the same parent, and to the issue of any such other children who shall have died, by right of representation. (R.S.M. c. 48, s. 9.)
10. If, at the death of such child who shall die under age and not having been married, all the other children of his parent shall also be dead and any of them shall have left issue, the estate that came to such child by inheritance from his parent shall descend to all the issue of the other children of the same parent; and if all the issue are in the same degree of kindred to such child, they shall have his estate equally, otherwise they shall take according to the right of representation. (R.S.M. c. 48, s. 10.)

SASKATCHEWAN.

H. In the Revised Statutes of Saskatchewan, R.S.S. 1909, cap. 43, sec. 10, there is a provision that if an intestate leave no husband, widow, issue, father, mother, brother, sister, or child of brother or sister, then the estate goes to next of kin in equal degrees; but if claim is made by collateral kindred in equal degree but through different ancestors, those who claim through the nearest ancestor shall be preferred over those claiming through an ancestor more remote, but in no case shall representatives be admitted among collaterals after brother's and sister's children. This statute would apply to uncle's or aunt's children and brother's or sister's grandchildren.

ILLEGITIMATE CHILDREN.

Revised Statutes of Saskatchewan, c. 43, ss. 23 and 24:

Illegitimate children shall inherit from the mother as if they were legitimate and through the mother if dead any real or personal property which she would if living have taken by purchase, gift, demise or descent from any other person.

If an intestate being an illegitimate child dies leaving no widow or husband or issue the whole of such intestate's property, real and personal, shall go to his or her mother.

R.S.S. c. 43, sec. 4, sub-sec 2: If all such descendants are in the same degree of kindred to the intestate they shall take the property equally, otherwise they shall take according to the right of representation.

ALBERTA.

- I. This exception applies only to the distribution of the estate of an intestate father. A child who has been advanced by a widowed mother is not required to bring what he or she received from his or her mother into hotch-pot. *Bennet v. Bennet*, 10 C.D. 474.
- J. The wife would only, however, take subject to the provisos contained in (a) Section 1 of the Ordinance respecting the Devolution of Estates, being chapter 13 of the Ordinances of the North-West Territories, 1901, commonly referred to as chapter 101 of the Consolidated Ordinances of the North-West Territories, and (b) Section 11 of the Transfer and Descent of Land Act of Alberta, 6 Ed. VII. ch. 19.
- K. Sec. 6 of the Transfer and Descent of Land Act of Alberta, 6 Ed. VII. ch. 19, enacts that no husband whose wife died on or after 1st January, 1887, shall be entitled to any estate by the curtesy in the land of his deceased wife, but that he will have the same right therein as a wife has in the personal property of her deceased husband. The distribution given in the table, therefore, would not apply to the estate of a woman owning land who died prior to 1st January, 1887.

Section 12 of the same Statute enacts that if a husband has left his wife and has lived in adultery after leaving her he shall take no part of her land.
- L. Section 2 of chapter 13 of the Ordinances of the North-West Territories, 1901, commonly referred to as chapter 101 of the Consolidated Ordinances of the North-West Territories, is as follows:—"The mother of any person hereafter dying intestate without a wife, child or father shall be entitled to the whole of

the property of such intestate." The practice rightly or wrongly has generally been to distribute estates in the manner in which they would be distributed if the words "or husband" were inserted between the words "wife" and "child" in this section. If a case should arise, however, where a woman died without a husband, child or father but left a mother and other kin an application should be made to the court for advice.

M. The wife would only, however, take subject to provisos contained in section 1a of the Ordinance respecting the Devolution of Estates, being chapter 13 of the Ordinances of the North-West Territories, 1901, commonly referred to as chapter 101 of the Consolidated Ordinances of the North-West Territories, and *perhaps* also subject to the provisos mentioned in Note J. *supra*.

ILLEGITIMATE CHILDREN.

Under certain circumstances illegitimate children may inherit from and through their mother and share in her personal estate, and the mother of an illegitimate child or children may inherit from and share in the personal estate of such child or children; see sections 13 and 14 of 6 Ed. VII. chapter 19, and sections 3 and 4 of the Ordinance respecting the Devolution of Estates, being chapter 101 of the Consolidated Ordinances of the North-West Territories. By Section 5 of said Ordinance it is further provided that: "the parents of a child born out of wedlock afterwards marry, such child shall for the purposes of this Ordinance and for all other purposes be deemed the legitimate child of such parents."

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ASSETS UNDER ADMINISTRATION, OVER 69,000,000

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