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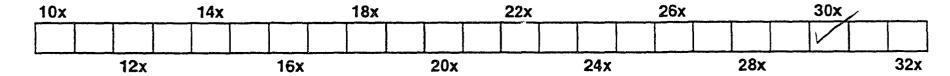
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4th Session, 3rd Parliament, 14 Victoria, 1851.

BILL.

An Act to regulate the distribution of the Personal Estate of Intestates in Upper Canada.

Received and read a first time, Thursday, 5th June, 1851.

Second reading, Monday, 9th June, 1851.

Mr. BURRITT.

BILL.

An Act to regulate the distribution of the personal effects of Intestates in Upper Canada.

BE it enacted, &c., That from and after the first day Preamble. of January next, any person who shall die possessed of any personal estate, or of any right or interest therein not lawfully disposed of by his or her last Will and 5 Testament, the same shall be applied and distributed as

First: The widow, if any, shall be allowed all her Allowance to articles of apparel or ornament, according to the degree widow in all and estate of her husband, and such provisions and other 10 necessaries, for the use of herself and the family under her care, as shall be ordered and allowed by any Court of competent jurisdiction; and this allowance shall be made as well when the widow waives the provisions made for her in the will of her husband, as when he dies intestate.

Secondly: The personal estate remaining after such First charge allowance, shall be applied to the payments of the debts on the residue. of the deceased, with the charges of his funeral and of settling his estate.

II. And be it enacted, thirdly, That the residue of the How the 20 personal estate shall be distributed among the same per-remainder of such sons who would be entitled to the real estate, and in the residue shall same proportion, excepting that alienage in any person be distributed claiming a distributive share of the personal estate shall be no impediment to their receiving the same share that 25 they would have been entitled to if they had been a subject; and excepting as is hereinafter provided, that is to say:

Fourthly: If the intestate were a married woman, her husband shall be entitled to the whole of the said residue 30 of the personal estate:

Fifthly: If the intestate leave a widow and issue, the widow shall be entitled to one-third of the said residue:

Sixthly: If there be no issue, the widow shall be entitled to one-half thereof:

Sevently: If the intestate leave no kindred, the widow shall be entitled to the whole of the said residue: and

Eighthly: If there be no husband, widow or kindred of the intestate, the whole shall escheat to the Crown.

How the share of the widow shall be computed where there has been an advancement to a child.

III. And be it enacted, That if the intestate leave a widow and issue, and any of the issue shall have received an advancement from the intestate in his life time, the 5 value of such advancement shall not be taken into consideration in computing the one-third part to be assigned to the widow; but she shall be entitled to the third part only of the said residue, after deducting the value of such advancement.

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