

the law concerning common Recoveries, and to explain and amend an Act made in the twenty-ninth year of the Reign of King Charles the Second, intituled, 'An Act for prevention of Frauds and Perjuries'—as relates to estates *par autre vie*; and also, 5 an Act passed in the twenty-fifth year of the Reign of King George the Second, intituled, *An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of Wills and Codicils concerning Real Estates in that part of Great Britain called England, and in His Majesty's Colonies* 10 *and Plantations in America*—shall be and the same are hereby repealed so far as the same may relate to Upper Canada; and also, that the seventh, eighth and ninth sections of the Act of the Provincial Parliament of Upper Canada, passed in the thirty-third year of the Reign of King George the Third, intituled, 15 *An Act to establish a Court of Probate in this Province, and also an Surrogate Court in every District thereof*; and the forty-ninth, fiftieth and fifty-first sections of 4 W. 4, c. 1—*To amend the law of Real Property*—shall be and the same are hereby repealed, except so far as the aforesaid Acts or any of them 20 respectively relate to any Wills or Estates *pur autre vie*, to which this Act does not extend, or to Wills made before this Act shall come into operation.

III. It shall be lawful for every person to devise, bequeath or dispose of, by his Will executed in manner hereinafter 25 required, all real estate, and all personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon the heir-at-law of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator; and that the power hereby given shall extend to all real 30 estate as hereinbefore defined; and also to estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be freehold or of any other tenure, and whether the same shall be a corporeal or incorporeal hereditament; and also to all contingent, executory or other future 35 interests in any real or personal estate, whether the testator may or may not be ascertained as the person, or one of the persons, in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the 40 same respectively were created, or under any disposition thereof by Deed or Will; and also to all rights of entry for conditions broken, and other rights of entry; and also to such and the same estates, interests and rights respectively, and other real and personal estate, as the testator may be entitled to at 45 the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his Will.

IV. Notwithstanding any disposition by Will that may be made of real estate, including an estate *pur autre vie* of a freehold nature where there shall be a special occupant, the 5 same shall be assets for the satisfaction of debts within the

As regards
Upper Canada.

Also sects. 7,
8, 9 of Act of
U. C., 33 G. 8,
c. 8.

And sects. 49,
50, 51 of 4 W.
4, c. 1.

Exceptions.

What property
may be dis-
posed of by
Will.

Estates *pur
autre vie*.

Contigent exe-
cutory or fu-
ture interests.

Rights of
Entry.

Estates ac-
quired after
the Will is
executed.

Real estate to
be assets for
satisfaction of
debts under
5 G. 2, c. 7,