

he may be entitled at the time of his death, and which, if not devised, bequeathed or disposed of, would devolve upon his heirs-at-law or upon his executor or administrator."

With great respect to so learned an authority we do not think that there is any mistake or absurdity whatever in the section. A person may make a will and appoint an executor whereby his property real and personal will devolve on his executor, although the testator may not have devised or bequeathed or disposed of any part of it to anybody.

The statute does not say, as was assumed, "and which if he made no will," but "which if not devised, bequeathed or disposed of." The statute simply provides that all such property which would so devolve in case no disposition were made, he may, by will, devise, bequeath and dispose of. The assumption that "to make a will" and "devise and bequeath and disposes of" are convertible terms, is, in our opinion, ill founded.

Mr. Armour is reported also to have said: "In the reign of Edward I. land was first made alienable." What does this mean? The statute *Quia Emptores* to which he refers seems to assume that sales were then quite common, and all that it attacked was the process of sub-infeudation which was then going on to the detriment of the chief lords. According to the translation of the statute in R.S.O. c. 330, s. 2, the statute opens with the words "Forasmuch as purchasers of land and tenements of the fees of great men and other lords, have many times heretofore entered into their fees, etc." Of course there could not be "purchasers" unless there were also "sellers." No doubt there were restrictions on alienations, and the consent of the superior lord was necessary, and fines on alienation were payable to them; but surely it is a mistake to say that in the reign of Edward I. land was first made alienable in England. We think there must have been some mistake in the report on this point.

We are also disposed to think Mr. Armour was a little hypercritical in regard to s. 12 of the Devolution of Estates Act in regard to the provision made for a wife of an intestate, who, after payment of debts, funeral and testamentary expenses, is to