all her property to herself—a manifest absurdity. I must reject the motion."

If we are not much mistaken, it was a vain thing to endeavor to clothe the Register's Court, in this case, with Chancery powers, for it is evident that courts of Chancery have no such jurisdiction as is now contended for.

2. It has, however, been argued that legislation in this instance cured all defects, for we may consider, under the act, evidence of intention in a case in which there is no latent ambiguity; and, secondly, this act of Assembly has repealed in effect and for the purposes of this case our statute of wills.

It is too clear for argument that, in the present condition of our law, the evidence produced in this case would have been rejected but for this statute, because, as we have before said, there is here no latent ambiguity; and, possibly, legislative authority might have been all powerful but for article 9 in our Bill of Rights, which declares, among other things, that no man can be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land," and this article presents to this petitioner an insurmountable barrier. In *Norman v. Heish*, 5 W. & S. 173, when the attempt was made to give an inheritable source, as well as descendible quality, to the blood of one Christopher Norman, which it did not possess while he lived, the Chief Justice, commenting on the section of the declaration of rights above quoted, says, with a power the force of which can now be appreciated: "What law? undoubtedly a pre-existent rule of conduct declarative of a penalty for a prohibited act; not an *ex post facto* rescript or decree made for the occasion.

"The design of the convention was to exclude arbitrary power from every branch of the Government, and there would be no exclusion of it if such rescripts or decrees were allowed to take effect in the form of a statute. The right of property has no foundation or security but the law, and when the Legislature shall successfully attempt to overturn it, even in a single instance, the liberty of the citizen will be no more."

What proposition can be clearer than that at the moment the breath went out of the body of George A. Alter, his estate, real and personal, vested, in full property, in his heirs-at-law and distributees under the intestate law of Pennsylvania? It is true he may have intended to execute a will, but he did not in fact do so; he signed a paper, but not his will; and the case is not harder than that of a person who, in disregard of our statute of wills, signs his name at the top in place of the end thereof, or who adds a codicil and does not execute it, or who dies while his professional adviser is preparing his will.

This is a hard case, but the injury which would be inflicted upon society by giving effect to this act would be infinitely greater than any evil which will flow from a disregard of it. And the time has not yet arrived when by any process of legal ingenuity, aided by legislative action, the property of one man can be arbitrarily given to another by any "rescript or decree," as Chief Justice Gibson calls it, such as is presented to our notice in this case.

Without power at law or in equity to aid this petitioner, and with a constitutional provision staring us in the face, we must decline to grant the prayer of this petition.

Petition dismissed.

GENERAL CORRESPONDENCE.

Insolvency—Confirmation.

To the Editors of the Law Journal.

Gentlemen:—Would you kindly state in your next issue what is the practice in the courts of insolvency in your Province under the "Insolvent Act of 1869" in reference to the confirmation of deeds of discharge, or of composition and discharge in cases where there is no opposition, or the opposition is withdrawn before the application for confirmation is made. If you have any decisions bearing on this point of practice please state the gist of them also.

I am led to make this inquiry because a contention has arisen in this Province in reference to the course to be pursued when a consent to a discharge by the creditors has been given, and under it the insolvent applies for an order of confirmation. The contention on one side is that in a case of this kind, if no opposition to such discharge be made, or, if made, is withdrawn before the application for confirmation is made, no order for confirmation is required—that the Act does not contemplate an order to confirm in a case of this kind—that being essential only where the opposition to the discharge is persisted in and an argument thereon is had before the Judge of the Court—and further that a reconveyance by the assignee to the insolvent is alone necessary, and that the words in the 97th section of the Act, "the assignee shall act on said deed of composition and discharge according to its terms, clearly mean a reconveyance only and exclude the idea of a subsequent order to confirm. The contention on the other side is that an order, with recitals, to confirm a discharge is essential and contemplated by the Act to be given in all cases.

A Subscriber.

Halifax, N. S., Aug. 4, 1870.

[We will answer the above letter next month—Eds. L. J.]