of life and instruction of manners." Would that it were permissible to pursue the words of the Article and add, "but yet doth it not apply them to establish any doctrine."

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THE DEVOLUTION OF ESTATES ACT AND REAL ASSETS.

In a recent case *Re McGarry* before a Divisional Court (The Chancellor and Magee and Latchford, JJ.), the construction of the Devolution of Estates Act was under consideration. The point in question was a simple one. A testator had by his will bequeathed to his widow all his goods and chattels, and as to certain land which he owned he had died intestate.

The question for the court was whether in these circumstances the undisposed of realty, or the personalty bequeathed, should be first resorted to for the payment of the debts of the testator? The court held that the goods and chattels bequeathed to the wife were primarily liable.

In cases where the persons entitled to take both the realty and personalty are the same, it is, of course, a matter of no moment how such a question is decided; but when those entitled to the personalty and realty are different persons, the question becomes of moment.

It is to be feared that lawyers are too prone to approach the consideration of new statutes with more or less pre-conceived ideas arising from the former state of the law. In the old days, land in England was regarded as a kind of sacred property, it stood on an entirely different plane to mere goods and chattels; the latter might be sold to pay the debts of an owner, but land was surrounded with all sorts of safeguards against the assaults of creditors. A creditor might have an elegit to go in and enjoy the rents and profits until his debt was paid, but as for selling his debtor's land under execution, that was not to be thought of. In this country 'the ancestral acres' are not so highly esteemed,