existing on the 1st of July, 1886, are left to the operation of the law as it existed prior to that date; and on the death of the tenant in tail the heir in tail will be entitled to succeed, and the personal representative of the deceased tenant will have no right in the land. But in case any then existing estate tail is barred, can it be re-entailed? Or in other words, can an estate tail be created since the 1st July, 1886? By the 10th section of the Devolution of Estates Act it is provided that, "In the case of a person dying after the first day of July, 1886, his personal representatives for the time being shall, in the interpretation of any statute of the Province, or in the construction of any instrument to which the deceased was a party, or in which he was interested, be deemed in law his heirs and assigns, unless a contrary intention appears."

From this section it seems clear, that under a limitation to a man "and his heirs," the personal representatives of the grantee who dies after the 1st of July, 1886, would be entitled, in the event of his dying without having conveyed away the land in his lifetime. But suppose in addition to the word "heirs" the words "of his body" are added, will the word "heirs" in that connection be taken to mean the personal representative? or will the introduction of the words "of his body" be taken to indicate "a contrary intention" within the meaning of section 10? Possibly some help may be obtained in arriving at a conclusion by reference to R.S.O., c. 100, s. 4, which provides that in deeds or other instruments executed after 1st of July, 1886, no words of limitation at all are necessary for the limitation of an estate in fee simple, or fee tail, general or special, and that the word "heirs," or "heirs of the body," or "heirs male," or "heirs female of the body" need not be used for the creation of an estate tail general or special. It is sufficient in order to create an estate tail to use the words "in tail," or "in tail male," or "in tail female," according to the limitation intended. This section appears to indicate that, notwithstanding the Devolution of Estates Act, which also came into operation on the 1st of July, 1886, estates tail may still be created, otherwise there would be no object in making this provision. It being thus apparent that estates tail may still be created, it seems to follow that where technical words are used, which, according to the common law, would create an estate tail, those words must be still so construed, and the additional words so used must be held to imply "a contrary intention," which would prevent the word "heirs" having, in that connection, the meaning of "personal representatives."

But though it would seem probable that an estate tail may still be created by either deed or will, it may be well to notice that when the estate tail is created by will, the devisee will not, as formerly, be entitled to take the estate immediately from his testator; the devise in tail cannot prevent the devolution of the estate in the first place upon the personal representative, who, after due administration of the estate, would no doubt be bound to convey it, if not required for the satisfaction of debts, to the devisee in tail according to the tenor of the devise.

We have always thought, and still think, that the exemption of estates tail from the operation of the Devolution of Estates Act was a great mistake. The palpable injustice of so doing is apparent the moment the subject is seriously