indefensible doctrines of the English law, the doctrine of the revocation of a devise by a subsequent conveyance which created no substantial change in the interest of the devisor, was in force in this Province to the full extent to which it had been carried by the English decisions. The hope expressed by the learned judge who decided that case, "that the anomaly which compels this decision may soon be removed by the Legislature," was realized by the passing of the statute, 32 Vict., c. 8, by which the provisions of the English Act regarding the revocation of wills and the time at which they should be construed to speak and take effect, (as if executed immediately before death of the testator,) were made part of our law.

The provisions of the new statute are by the 2nd section limited to wills *made* after 31st December, 1873, unless otherwise expressly provided in the Act. All wills made before that date will therefore be governed by the present law. The same section provides, however, that every will re-executed or re-published, (whatever that may mean), or revived by any codicil, shall, for the purposes of the Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published or revived.

The fourth section is devoted to the interpretation of the terms "will," "real estate," "personal estate," "person," "testator," and "mortgage." This interpretation clause requires careful consideration. Associated with the other provisions of the Act, it effects some important changes in the law in so indirect a manner that they might escape the notice of a casual reader. Thus the inclusion in the term "will" of "a disposition by will or testament, or a devise of the custody and tuition of any child made under the provisions of the Act of Charles the Second regarding wards, liveries, and tenures," taken in connection with the sixth section disenabling an infant to make a will, has the effect of abolishing the power which infants now possess, under the statute of Charles, of appointing guardians to their children; and the inclusion in the words "person" and "testator" of "a married woman," taken in connection with the words of the enabling clause of the Act (section 5), has the important effect of completely emancipating married women from the testamentary disability to which they have been hitherto subjected.

The provisions of the enabling clause of the statute do not materially extend the present power of testamentary disposition.

The power of devising real estate acquired after the making of the testator's will has existed in this Province for nearly forty years. It did not exist in England when the statute 32; Geo. 3, c. 1, was passed. The old doctrine was that a devise operated as a conveyance or appointment by will, and that therefore a man could not devise lands of which he was not seized at the time he made his will. "It resulted from this state of the law that whenever a man acquired real estate which he wished to dispose of by will it was necessary that he should make a fresh will, if he had made one before, and so from time to time as often as he acquired real estate, or it would go to his heirs" (per Spragge, V. C., in *Whately* v. *Whately*, 14 Grant, 433.)

To remedy this inconvenience, it was provided by the 49th section of 4 Wm. 4, c. 1, (Con. Stat. U. C., c. 82, s. 11,) that "When the will of any person who shall die after the sixth day of March, 1834, contains a devise in any form of all such real estate as the testator shall die seized or possessed of, or of any part or proportion thereof, such will shall be valid and effectual to pass any land that may have been, or may be acquired by the devisor after the making of such will in the same manner as if the title thereto