presence of the testator, by three or four *credible* witnesses, who need not subscribe or attest in the presence of each other, or at one and the same time: the latter statute is silent as to the credibility of the witnesses; and execution in the presence of and attested by two witnesses, is as valid as if in the presence of and attested by three witnesses; and it is sufficient if such witnesses subscribe in the presence of each other, without subscribing (as required by the statute of Charles) in the presence of the testator.

"Notwithstanding the act of William is silent as to credibility of the witnesses, that qualification still continues to be as requisite as under the act of Charles: *Ryan* v. *Devereux*, 26 U. C. Q. B. 107. The statute of Charles is not impliedly repealed by that of William: *Crawford* v. *Curragh*, 15 U. C. C. P. 55. It seems clear, therefore, that a will invalid as not complying, with the latter Act, is valid if it complies witht he former. In a late case (*Crawford* v. *Curragh*, supra), the court went further, and held, in effect, that the statutes were cumulative, and might be read together, and so that a will invalid under either statute, taken singly, might be supported on their joint authority. Thus a will executed in the presence of two witnesses, who subscribed in the presence of the testator, but not in presence of each other, has been held sufficient. The author does not presume to question the unanimous judgment of the court; but he deems it right in a matter of such importance, to refer to the language of Draper, C. J., in a subsequent case, and to suggest that it may be a proper precaution always to comply with the statute of William, and require that when there are only two witnesses, they should sign in presence of each other. In the case referred to *Ryan* v. *Devereux*, 26 U. C. Q. B. 107), Draper, C. J., in alluding to the doctrine laid down in *Crawford* v. *Curragh*. says, 'I advisedly abstain from expressing an opinion of concurrence in, or dissent from, that decision. I have not arrived at any positive conclusion upon it.'

"The practitioner should bear in mind that the Imp. Act I Vic. cap. 26, has in England varied the mode of execution of wills, and therefore the cases decided under that act may be inapplicable here, unless on the words 'signature,' 'presence,' 'direction,' 'other person,' 'attested,' 'subcribed,' which are common to the Imperial Act of Victoria, the Statute of Frauds, and the Provincial Act."

"On again referring to the article in *La Revue Critique*, we find it stated that—

"Under the English law, as prevailing before 1st Victoria, chap ter 26, whether a will of freehold estate attested by a witness whose wife or husband had an interest in the will as devisee or legatee, would be invalid or not, was to some degree uncertain, though if the devise or legacy had been to the witness himself, under 25 Geo. II. chapter 6 the doubt as to the invalidity is removed, because it clearly make him competent, and declares the devise or legacy void."