

"WILLS AND INTESTACY."

The article of the Hon. J. H. Gray, entitled "Wills and Intestacy," published in the last number of *La Revue Critique*, has been criticised in the *Canada Law Journal*, Vol. 7 N. S., p. 286, and also by a correspondent of authority from New Brunswick. The criticisms in question were communicated to Mr. Gray but lately, owing to his absence from Ottawa, and he has just informed us that it is impossible for him to enter upon a discussion of the points involved in the present number, but that in April he will answer the objections taken. We publish below the criticisms referred to.

LA RÉDACTION.

The *Canada Law Journal* observes :

"From the general tenor of the essay, it appears that the author professes to show wherein the law on the subject differs in the various Provinces. If his remarks were confined to the *statutes merely*, they would not be so open to criticism ; but, as we have seen, he does not confine himself to those alone. He commences by stating that :—

"In *New-Brunswick*, a testator may, by his will, dispose of all property, and rights of property, real and personal, in possession or expectancy, corporeal and incorporeal, contingent or otherwise, to which he is entitled, either in law or equity, at the time of the execution of his will, or to which he may expect to become at any time entitled, or be entitled to at the time of his death, whether such rights or property have accrued to him before or after the execution of his will. In *Nova Scotia*, the same."

"It is further said that :—

"In *Ontario*, there is no provision of this general character ; but, by the Consolidated Statutes of Upper Canada, chapter 82, section 11, real estate, acquired subsequently to the execution of a will, would pass under a devise conveying such real estate as testator might die possessed of."

"Now, the provisions of this section of the U. C. Con. Stat. are overridden, if not virtually repealed, by the Ontario Act of 32 Vic. cap. 8, sec. 1, which now governs, and under which after-acquired property passes. *Gibson v. Gibson*, 1 Drew, 62 ; *Leith's Real Prop. Statutes*, 293. The statute we have referred to reads