

(1803), 7 Ves. 348, at p. 367. Such a deed has been held from within a few years of the passing of the statute to be revocable even by a will.

In *Shaftesbury v. Hannam* (1677), 29 Car. 2, *Finch's Reports* (not *Finch's Precedents*), 323, the dispute was between the plaintiffs claiming under a deed poll and the defendants claiming under a subsequent will. The L. C., Lord Nottingham, held that the widow seemed to have a great probability of law on her side, and refused to disturb her in her guardianship, unless she refused to prove that she was not excluded by the terms of the statute (referring to difference of religion—now of no consequence, and happily but of interest historically). In *Lecone v. Sheiras* (1686), 1 Vern. 442, Lord Jeffreys, L. C., would not allow the removal of a guardian appointed by deed where the deed contained a covenant not to revoke, and the deceased parent had died in debt to the guardian so appointed.

In *Ex p. Earl of Ilchester* (1803), 7 Ves. 348, Lord Eldon, L.C., says, p. 367: "The question takes this turn, whether as it is necessary under the statute that the instrument, whether a deed, which I take to be only a testamentary instrument in the form of a deed or a will, should be executed in the presence of two witnesses . . . it is, therefore, necessary that any instrument revoking that shall be executed in the presence of two witnesses . . ." Thus making no distinction between the case of a deed and of a will, either being revocable.

I cannot find any intimation or suggestion of opinion as to the meaning and effect of the statute. See, also, *Cyc.* vol. 1, p. 917. The English law is substantially the same as ours and the decisions there are of authority with us; and I am unable to recant the opinion expressed in *Re Davis*, that the law of Ontario, strictly speaking, knows nothing of adoption. As the Chancellor has not decided to the contrary, I am at liberty to follow my own judgment.

It follows that in Ontario there can be no "legal adoption" in distinct and proper use of the words as there can be in many of the States of the Union, *Cyc.* 1, p. 918, the Royal Arcanum is an organization which covers many of the United States as well as Canada, and its rules are made of general application.

No doubt it was in view of the difficulty in framing any general rule as to "legal adoption" that the determination