Address by Mrs. Don Lamont, on Wills, before the Local Council of Women, on Wednesday evening, October 31st, 1945.

A Will is a disposition of your property to take effect after your death. It cannot be a document effective in your lifetime, for then it would be a gift of your property; nor can it be a document attempting to control your property for too many years after your death or it will offend the rule against perpetuities and be considered an invalid will, since a testator cannot control property for a longer period than the life of some person living at his death and twenty-one years thereafter.

If a person dies testate, he has left a valid will; if he dies intestate, he has not made such a will. Should he have made a will, some of which may be held invalid in a Court of law, he may be said to have died partially testate and partially intestate. A "Testator" is a man who makes a will, a Testatrix is a woman who makes a will.

The earliest known will is the testament of an Egyptian priest, made more than 4,500 hundred years ago. One of the points therein that should interest us, was that it empowered a woman to acquire and exercise rights of property; a writer commenting on what he calls this archaic instrument, says that it "affords evidence of the advanced code of thought that prevailed in Egypt with regard to woman's rights." The oldest English will of which we have knowledge, is that of Alfred the Great. He devised and bequeathed his lands and monies in various proportions amongst his sons and daughters.

Thus the law of wills has roots far back. Many basic principles underlying our modern law on this subject were already established in the Roman law some fourteen centuries ago. However, until after the Norman Conquest, these principles did not come to England. Prior to that time, "Angb-Saxon Wills", as they were known, were in existence but these documents were not wills in the modern sense. They were more in the nature of a contract because they usually came into force immediately they were made, and, once made, could not be altered if the testator, that is the author of the will, changed his mind. Furthermore, these wills were not required to be in writing, a material distinction from the present time. The first records of written documents were in the 9th, 10th and 11th centuries.

Further back than we can trace with any certainty some people having accumulated some possessions, did die. As time went along, the clash of interests between kinsfolk, strangers and the Church officials grew more acute and there emerged from the practices of our primitive ancestors, rules as to succession on death. However, by the time of the

Norman Conquest, it was usual when a person had accumulated property in his lifetime that those closely related to him, frequently had the benefit of at least some of this property after his death.

The law of Wills is a branch of the law of property. English law divides property into real property and personal property. A "real property interest" being an interest or title in land other than by a lease. "Personal property" includes leases of land as well as personal chattels which are moveable property such as jewellry. We must bear in mind this distinction, since the rules of inheritance differ in accordance with these categories.

The evolution of this branch of the law namely property, relating to Wills has been influenced throughout the centuries by the philosophic and economic attitude of the individuals who moulded it. There are many characteristics injected into all our law by historical accidents occasioned by the need for particular rules devised and adopted to overcome a financial or political crisis forced upon a monarch, chancellor or other prominent personage. At such a time there would be introduced into the realm, either to swell the coffers of the treasury or to placate one of several warring political groups, new provisions often concerning the rules of inheritance.

During the period between the Norman Conquest and the year 1500, two gigantic social struggles were agitating England. Firstly, there was the effort of those forces which strove to consolidate and preserve the feudal state as against those factions who wished for the disintegration of such a regime and the establishment of government more as we conceive of it today. Then there was the mighty struggle between the Church and the King. It is to these conflicts we must look in order to trace the beginnings of our law of succession. These controversies resulted in the complete segregation of the law of land from the law of personal property. A writer, dealing with this period, has said, "the law of land grew in the atmosphere of the feudal state, guided in its growth by the changing demands of the temporal powers. The other grew in the Courts of the Church guided by the ecclesiastical knowledge of the precepts of the Roman law."

It is necessary for us to remember that during the three centuries from to 1,300, England was primarily a feudal state - agricultural and rural. Of vital importance to the people was the question of the land and it was generally understood that land descended to the eldest son. If one happened to be a second or third son or even less fortunate, a daughter, the rules of inheritance as practiced by our forefathers did not assist

you much from a standpoint of inherited wealth. In fact it was under feudalism in the Middle Ages that there was borne in upon people the need of testamentary disposition. Among the German races, before the fall of the Roman Empire, children took equally. However, as the doctrine of primogeniture developed in England, (that is the right of the eldest son or failing lineal descendants, the eldest male in the next degree of consanguinity to take all the real estate of which the ancestor died seized and intestate, to the exclusion of all female and younger male descendants of equal degree,) it became apparent that some system must be created for the protection of the other children. The will has accordingly been called "an accidental fruit of feudalism".

In these early times we begin to perceive what interdependence there was between the English settlements of property and the institution of the English family. It becomes clear to us that wealth distribution upon death and its significance to the institution of the family wielded a powerful and creative influence upon the social fabric which through generations has been shaped and re-shaped to become our present social order. It is curious to consider that many of the procedures which mark the law under discussion this evening, hark back seven or eight centuries to the practices then in effect in England.

One of the first wills with named executors was that of Henry II. Here again one perceives a carry-over from the Roman law which recognised the right of a man to make over his estate to his friend to ensure that his last wishes would be properly carried out.

The emphasis in the earliest wills was on the welfare of the testator's soul. In fact, the making of the will was oftentimes induced by the salutary belief that the lot of the will-maker would be a happier one in the next world if he did not die intestate. Gradually concern for his spiritual welfare was accompanied by the growing consciousness that proper provision should be made for wives and for children whose welfare might not be assured by the rules of intestate succession. The early wills were far from formal documents, as a general rule they were oral, because of a superstitous fear that making a will hastened death.

Let us next look to the opening years of the 16th century. It was a time of violent change and upheaval. The vagaries exhibited by Henry VIII as so clearly outlined to you by Mrs. Henry, last week, were costly to the realm and it was his recurring need for money which caused the passing of the Statute of Wills in 1540 and this was truly a landmark in the law of wills. It provided that there could be a will, both as to

personalty and as to land. You will recall that formerly only personalty could be a will, both as to personalty and as to land. You will recall that formerly only personalty could be willed. For some curious reason the age of capacity was 21 as to land, but remained 14, for males and 12 for females for personalty, until 1837. The statute of 1540 did not prescribe any formalities for the will. The disposition could be made according to the statute, "by his last will and testament in writing, or otherwise by any act or acts lawfully executed in his life."

It was the Statute of Frauds in 1677 which first introduced the requisites which later became the basis of our present formal requirements namely, that the disposing instrument must be written and signed by the testator and must be "attested and subscribed in the presence of the said devisor by three or four credible witnesses or else it shall be utterly void and of no effect".

Although the Statute of 1540 represented an advancement, there were still conflicting interests affecting the development of the Law of Wills. One author has said that "our law of wills is a product of often remote combinations of political, social and intellectual factors." In 1837, to crystallize the law on the subject, there was introduced the English Wills Act which repealed all prior legislation and enacted a comprehensive scheme, amongst other things such necessary details as the signing at the end of a will by the testator.

I would like to emphasize the connection between the institution of the family and wills. No one is obliged to make a will, that is, obliged in a legal sense, but it is a matter of the greatest importance to the family today, even as it was in bygone times, that family protection should be guaranteed for the future by carefully intelligent reasoning on the part of the testator or testatrix. If we regard the making of a will as a privilege accorded to us, rather than as a ghoulish anticipation by people interested in the distribution of our possessions when we are no longer here to direct the process, more people might be pleased to avail themselves of the right. Surely it is highly preferable for a person to have a voice in the handling of his or her estate and know that it will be utilized as he or she would wish, rather than leaving the matter to be settled impersonally by statute law as represented in Ontario by the Devolution of Estates Act.

There was a phrase employed in a European country which freely translated, meant "the laughing heir" and had reference to some far-off

relative of a deceased person, who by the accident of blood relationship, happily and unexpectedly feel into a substantial inheritance. In the event that anyone died leaving no one near to him, he might well prefer to improve the institutions of his native city, rather than to gladden the heart of a "laughing heir".

There is no reason the thought of will-making should evoke unpleasant ideas in the mind of anyone. Today, in every aspect of living, we try to plan our lives to the best possible advantage. We utilize our training, whether as homemakers, business women or professional women, to obtain the maximum good and pleasure from living. If we plan a trip, the purchase of a new house, the decoration of the one already owned, a change of employment, a great deal of careful consideration is given to the project. Generally it is the subject of discussion withour parents, husbands or wives, and friends. Naturally I am not advocating a wholesale discussion of your private business with anyone who will lend an apparently attentive ear. However, I am suggesting, as strongly as I may urge it, that in a serious matter wherein the stake is the future welfare, happiness and prosperity of those who are close to you, you would be exhibiting excellent judgment to talk the matter over with the member or members of your family, vitally concerned. This would relate not only to your own will, but in the case of married women, that of their husbands. In the days of our grandmothers, according to the literature of the time, the hand that rocked the cradle may have ruled the world but generally speaking, rarely did it thrust a finger into those spheres of life where men ruled supreme. Grandfather would have been aghast at the suggestion that his fragile wife was thinking of such matters as a time when he might not be present to provide her with the necessities of life as well as the luxuries, if possible. In spite of the chivalrous spirit, which prompted this attitude, this view-point was not a kindness to grandmother. If she and her husband together, had reviewed their resources and responsibilities and discussed objectively how they both could best be handled by them together, or by either singly, fewer unfortunate situations would have arisen of bewildered, confused women confronted with heavy responsibilities at a time when they were least able to cope with such things. A testator who knows the individual needs of his family can judge whether one should be left an outright inheritance, whether another should be protected by the establishment of a trust fund far better than a Court officer striving to administer an estate equitably.

Since, in our time, it is our privilege to make a will disposing

of whatever property, land or otherwise that we may own, it is somewhat difficult to conceive of a period in history when this opportunity was not available to our ancestors, and we may not be sufficiently appreciative of this boon or recognize it as such.

Although our subject, tonight, is Wills, you might be interested in knowing what happens in the case of an intestacy as the law presently stands in Ontario. To hark back momentarily to earlier centuries, even then one perceives from the records of those times a horror of intestacy. In the days of King Knut, a man who died intestate was said to have proved himself a sinner. A man in a similiar position today would not be judged quite in such a fashion. But, as his heirs-at-law labour through the intricacies of obtaining Letters of Administration and the additional expense thereto, in order to deal with his Estate they will wish sincerely that he had clearly indicated his wishes in a last Will and Testament. In obtaining Letters of Administration, a petition is filed with the Surrogate Court, (that is, the Court which deals specially with matters pertaining to estates of deceased persons), showing why the Petitioner should be appointed Administrator or Administratrix in preference to anyone else. Assuming this reason is sufficiently strong to assure the appointment of the Administrator and that all other of the heirs-at-law are satisfied to permit the appointment, then an Administration Bond is filed, either by the Administrator through an insurance company or by his friends. This is to ensure the proper administration of the Estate and is a guard against any mishandling of the assets by the Administrator. There is an advertisement in the papers for creditors and then all claims having been paid, the Administrator is in a position to distribute the estate amongst the heirs, in accordance with the terms of the Devolution of Estates Act.

This statute is operative in the case of intestacy and has been amended of recent date to improve the status of a widow. She now receives the first $5,000 in the Estate where formerly she received the first $1,000, the remainder to be divided between herself and her children after the payment of debts. If there is one child, the widow receives half of the remainder and the child, half; if there is more than one child, the widow receives one-third and the other two-thirds is divided among the children.

There is another statute we might consider for a moment, known as the Dependents' Relief Act which may be invoked by a widow or other dependent of the testator (and dependents include a husband or a child, as well as a wife) if it is felt that the provision in the will has been

inadequate. An applicant can may be made to the Surrogate Court Judge to charge the estate for an allowance to be payable to the dependant who shall not be able to obtain any larger share than would have been his or hers, had the Testator died without a will and the Devolution of Estates Act become effective.

This Act is not a statute to empower the Court to make a new will for a testator. It allows the Court to alter the testatpr's disposition of his property only in so far as it is necessary to provide for the proper maintenance or support of dependants where adequate provision has not been made for this purpose. The whole circumstances must be considered. Even if the will appears to be unjust from a moral point of view, that is not enough to justify the Court in altering it. The first inquiry must be what is the need of maintenance and support, and the second, what property has the testator left.

The Law, whether it be directed to the proper carrying out of the terms of a will or as we have just considered, to the granting of letters of administration has, as its main object, the prevention of any scramble for property upon the death of any person. If an individual fails to guard against this eventuality, the State intervenes and attends to the distribution of the estate as equit bly as possible. Should there be no will, no heirs-at-law or next-of-kin, there is what is called "escheat" to the Crown, and the assets become Crown property. This has been a very brief reference to intestacy, since our main topic is the making of a will, but I hope it will serve to emphasize the fact that a Court appointing an administrator and directing the distribution of an estate according to legal rules cannot possibly be as successful as a person exercising the knowledge he has of the people concerned, to make proper provision for them, adapted to their characters, circumstances and needs, by planning a good will to fulfill his plans for them.

In Ontario, every normal person who is twenty-one years of age has the right to make a will. In the case of members of the forces, this age limit does not apply, nor is it necessary for service personnel to comply with the rigid provisions concerning the formalities of a will.

The first consideration of a person planning to make a will is for those who have a claim upon his bounty. Most often it is his wife and children, sometimes it is his parents, his brothers and sisters or even friends who have helped him in the past and who are now suffering adversity. Any of these people may have a legal or moral right to look to him for maintenance, as illustrated in the provisions of the Dependants'

Relief Act, previously mentioned.

What are some additional considerations ? In order to make a valid will, the Testator must have what in law, constitutes a sound and disposing mind, and be fully cognisant of the nature of his act. A lunatic cannot make a will, but it is possible for a person suffering from delusions to make a will during a lucid interval. In the case of a will made by such a person, very clear proof would be required by a Court that the will was made during a lucid interval. The will of a deaf and dumb person must be proved to have been made strictly according to his directions, or to have been written by him; in the case of a blind person or of one unable to read, it must be established that such person knew the contents of his will.

The Ontario Wills Act, which sets forth clearly the requirements for the making of a valid will, stipulates among other things that the will shall speak from the date of death of the testator and not from the date of its execution. It must be in writing and signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses present at the same time, and such witnesses shall attest the will in the presence of the testator. A holograph will is one written altogether in the handwriting of the testator. Such a will is not valid in Ontario unless there has been compliance with the statutory requirements as to its execution.

It is important to remember that a witness to a will cannot take any benefit under the will and the same rule applies to the husband or wife of a witness. The witness must be within this prohibited class at the time at which the will is made in order to be excluded from benefitting under it s provisions; because the subsequent marriage of a witness with a legatee will not invalidate his or her legacy.

The testator should tell the witness that the document witnessed is his will. If any changes are made in the document after it is first written or typed, such changes should be initialled by the testator and the two witnesses. Furthermore it is advisable where a will is more than one page in length to have the initials of the testator at the foot of each page and likewise the initials of the witnesses.

A great deal of trouble has been caused the Courts because of the necessity of the witnesses having to sign "in the presence of" the testator. The Courts have held, speaking generally, that a will is executed "in the presence of" the testator if he could see the witness, even

if he does not actually see them sign. The earlier cases, decided when bed curtains were more in vogue, all said that a will was properly executed although the testator was behind the curtains and could not see the witnesses. But, the Courts have become more strict in the interpretation of the phrase, "in the presence of".

A Codicil, is a paper-writing which may be an affirmation, modification, addition or other change to a will. Codicils must be executed in the same manner as a will.

A will may always be revoked. The fact of marriage revokes a will, unless the will has been made "in contemplation of marriage", and unless a recital to that effect has been incorporated in the will.

In fiction, many a plot has hinged on the disinheriting will, the secreted will, the altered will and all kinds of wills in various stages of obliteration and destruction, and the characters suffer or rejoice as their fortunes diminish or flourish according to the conditions in the aforesaid will. Actually, the Wills Act stipulates that a person may revoke a former will by some writing, declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed, or by burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction with the intention of revoking the same.

In some instances a husband and a wife may make mutual wills whereby each leaves everything to the other, or to the other for life with remainder to some relative whom they wish to benefit. There is generally an undertaking by both parties not to revoke them without the other's consent. But the basic fact remains that there cannot be deprivation by anyone of the right of a testator to revoke his own will. It is true that if the agreement amounts to a valid contract, his estate may be liable in damages should he revoke in breach of that contract.

Let us examine some of the clauses which generally appear in wills. One reason the average person considers the making of a will an ordeal to be avoided, is that members of the legal profession, who can be of great assistance at this time, are often accused of complicating the entire procedure. There was a gentlemen by the name of J. C. Mosman who wrote a plaintive poem, entitled "On Being of Sound Mind", the burden of which was that he wished to draw a simple will. The length of the poem prevents its entire recitation here, but to give you the beginning and the closing verses, commencing with his entrance into the solicitor's office until his final despair, it is,

"I said, "I wish to draw a will,
So simple I can read it - - - -
"All that I own, I leave my wife
And heretwith give and deed it.

They penned a bulky manuscript
Of fifty legal pages,
From which I gleaned a doubtful gleam
In slow and painful stages.

For now my wife was authorized
In strictly legal jargon,
To sell, convey, transfer, assign,
Deliver, give or bargain.

To execute, to leave, provide,
Devise, bestow or proffer,
To deal in, settle or release
To authorise, or offer.

To lease, invest or re-invest,
To burn bequeath or venture,
One share of worthless watered stock
And one defunct debenture!....."

Now it is granted, that many times it may seem that a will contains needless words, but there is generally a very sound reason for their inclusion, although simplicity should be the keynote. There is the case of a wealthy testator who had made a comprehensive will prepared by a lawyer. In the course of time, he wished to make certain changes, but felt it would be gross extravagance to consult the lawyer again when he already had the first will as a model. In the latter document, he was impatient when he discovered the phrase, "I give, devise, and bequeath all my real and personal property." He was of the view that to "give his real property" sounded much tidier. Consequently he died intestate with reference to his personal property which amounted to some quarter of a million dollars and having saved a lawyer's fee, he cost the estate many dollars in litigation.

The making of a will is a very personal problem. No two people have the same set of circumstances in their lives, which will govern their wishes concerning the disposition of their property. The points to be considered in planning a will, will be the same in most cases but the answers to the questions, each prospective testator or testatrix puts to himself or

herself may often be different. Before a person attends upon a solicitor to have a will drawn, it should be clearly understood that it is not the solicitor's will that is to be drawn, but that of the testator. The person who is making the will must know in his or her own mind what is to be done. One of our leading lawyers was confronted one time, by an outraged gentlemen who said, "Why did you draw that will for my brother?", to which the lawyer replied, "I drew your brother's will, not my own."....

There is firstly the question of an Executor. Should this be an individual or a corporate body. I do not propose to discuss the relative merits of this proposition for there are two schools of thought on this controversial point. A testator may have strong personal reasons for wishing to appoint an individual, Executor, a person in whom he has great faith and confidence and to whom he wishes to entrust the management and administration of his Estate. In the alternative, if he chooses a corporate body as Executor, he is assured of its continuity without the difficulties that befall an individual and he is also assured of its attention through its different departments to the various aspects of the Estate. An intelligent testator, conversant with the problems of his family will be in a proper position to choose the Executor or Executors best adapted for the tasks which they will have to undertake as his representatives. I am using the word testator in this discussion simply because it is easier than constantly referring to testator and testatrix, but you will appreciate that these remarks have equal application to a woman making her will and providing for her dependents.

A testator must consider to whom he will give his household furniture, personal effects and automobile. Does he wish to give his home outright to anyone or the use of it to any person for a limited period of time. Perhaps he wishes it to form part of the residue of his estate. In the event that it is to be a gift and it is subject to a mortgage, should the gift be subject to that mortgage or should the mortgage be paid off out of the residue. To whom should cash bequests be made, what charitable institutions are to be remembered. If one wishes to give annuities, out of what funds should these be paid? By providing for the administration of the proceeds of life insurance, an insurance trust may be set forth in your will to provide for the needs of your dependents. If such monies are payable to preferred beneficiaries, that is husband, wife, children, adopted children, grandchildren, children of adopted children, father, mother and adopting parents of the person whose life is insured. Such a fund is good as against creditors.

There are many factors to be considered in the provision for a wife by a will. Should she have an income for life, should she receive the residue in all or in part? If she is to receive an income for life, should there be power in the executor to encroach upon capital in his discretion for her maintenance and that of the children? Should the gift in any case be absolute for life, or during widowhood, only. It is oftentimes noted in wills that husbands attempt to restrain their wives from a second marriage. An American trust officer, Mr. Virgil M. Harris, reported that in the inspection of several thousand wills, he had seen but one instance in which that rule was reversed and the wife attempted to restrain the re-marriage of her husband.

It is recorded of a rich old English farmer that in giving instructions for his will, he directed that a legacy of £100 be given his wife. Being informed that some distinction was usually made in case the widow married again, he doubled the sum; and when he was told that this was quite contrary to custom, he said with heartfelt sympathy for his possible successor, "Aye, but him as gets her'll deserve it." Another English husband stated he would have left his widow £10,000 if she had allowed him to read his evening paper in peace, but as she always commenced playing and singing when he began to read, he left her only £1,000.

In an essay on whimsical wills, Mr. John Le Morgan has remarked that it is difficult to understand why a whimsical spirit should influence the minds of men and women at that fateful time when they have to decide what shall become of their goods and chattels after they have no further use for them. None the less, there is abundant evidence contained in the written records of the Surrogate Courts that such an occasion inspires some human beings to strange flights of fancy. It has been said that eccentric bequests are usually confined to rich persons. They being able even at the solemn moment of will-making to afford unusual jests. There was the will of an English gentlemen by which he bequeathed to his two daughters in one pound bank notes. Finer paper weights were never heard of because the elder received £81,200 and the younger £57,284. This may have consoled the latter for not being as sylph-like as her sister.

It has been said that Frenchmen have been more inclined to frivolity than the British or Americans in disposal of their estates. A French testator actually provided that a new cooking recipe should be posted on his tomb each day. On the fact of it, it seems an impractical provision. Then, there was the wealthy cousin of the Vanderbilts, who left every dollar he possessed to a girl he used to watch in the theatre. He did not even

know her but confided to the world in his last Will and Testament that her turned-up-nose amused him.

One or two more illustrations to show how wills mirror the characteristics of a person and divulge many a story of a farce and tragedy to the fascinated reader. A maiden lady over 50 years of age, with a strong aversion to all theatrical amusements was scandalized by being put down for a legacy in the will of a facetious friend. The difficulty was the condition attached to the legacy. Within six months of the testator's death, the legatee must obtain an engagement at a theatre and must perform there for a whole week.

To look again at the records of French wills, we find a merchant of Paris who had his revenge on a lady of Rouen who spurned his attentions. By his will he left her a legacy of £1,200 for having some twenty years before, refused to marry him, "through which," states the will, "I was enabled to live independently and happily as a bachelor."

Upon consideration of wills with strange provision, it would be truly remiss to avoid our own claim to fame in this regard and I refer to the last Will and Testament of the late Mr. Charles Miller. You are all familiar with its surprising terms whereby two of our leading Trust companies were appointed co-executors and prominent clergymen were bequeathed shares in breweries and jockey-clubs. Most sensational of all, there was created the Baby derby. A large sum of money was to go to the mother who had the greatest number of children within ten years from the time of Mr. Miller's death. A contemporary of Mr. Miller's has stated that that gentleman had a definite object in mind for each provision he made in his famous will. An able jurist of the last century, wrote that the true index to a man's character is contained in his last will and testament, so there would be ample subject matter for the physcologists in the examination of the Miller will.

In commenting upon the extraordinary clauses to be found in Wills, I fear I have wandered far afield from the prosaic ones that the ordinary testator has incorporated into his will. We have dealt briefly with the main points concerning the provision to be made for a wife. Another feature of that particular question, is dower. Dower is the right of a widow to a one-third interest for her life, in the realestate of which her husband died possessed in fee simple. Fee simple, being the utmost ownership anyone can have in land. A testator must decide whether the benefits provided for his wife, by will, are to be taken by her in lieu of dower. It may be she herself will choose to take her dower rights, rather than the benefits under the

will, if she believes it is to her advantage to do so.

As to the portion of the estate remaining in the Executor's hands after the death of the wife or life beneficiary, how shall it be distributed? The testator can make provision for this or permit his wife or the life beneficiary to do so by will. There are many other details which would require careful attention and which can only be mentioned in an address of this kind. In what way will children benefit before and after infancy? Should they predecease their mother or father leaving surviving them husbands, wifes and children, are these people to benefit and how shall they receive their shares. What bearing should there be of any monies owing by a proposed beneficiary to a testator? Should any gifts be taken into account and treated as part of a beneficiary's share under the will? If the testator is engaged in business is there any special direction for the carrying on of his business? Does the testator wish Succession duties and other similiar charges to be paid out of the residue of the estate? Many testators desire the beneficiaries to receive their legacies free of all inheritance taxes, and succession duties. In drawing a will in these days of complicated taxation, it is vitally important to know how your estate may be affected by succession duties. This subject will be most ably dealt with, by Miss June Lyon, next week, and it is not my wish or intention to transgress on her territory at all. Sufficient to say that when you consult a solicitor as to drawing your will, he or it may even be she, will advise you as to the application of the Succession Duty legislation in your case.

Lest I have given the impression that members of the legal profession regard harshly individuals who make their own wills, in closing I should like to read you a poem, written by a certain Lord Neaves, in England, about the middle of the last century, entitled, "The Jolly Testator who Makes His Own Will". (next page)

"THE JOLLY TESTATOR WHO MAKES HIS OWN WILL."

Ye lawyers who live upon litigants' fees,
And who need a good many to live at your ease;
Grave or gay, wise or witty, whate'er your degree,
Plain stuff or Queen's Counsel, take counsel of me.
When a festive occasion your spirit unbends,
You should never forget the Profession's best friends,
So we'll send around the wine and a bright bumper fill
To the jolly Testator who makes his own Will.

He premises his wish and his purpose to save,
All dispute among friends when he's laid in the grave
Then he straightway proceeds more disputes to create.
Then a long summer's day would give time to relate.
He writes and erases, he blunders and blots,
He produces such puzzles and Gordian knots
That a lawyer, intending to frame the deed ill,
Couldn't match the Testator who makes his own Will.

Testators are good, but a feeling more tender
Springs up when I think of the feminine gender;
The Testator for me, who, like Penelope's mother
Unweaves at one time what she wove at another.
She bequeaths, she repents, she recalls a donation,
And she ends by revoking her own revocation;
Still scribbling or scratching some new Codicil;
O! Success to the Woman who makes her own Will.

'Tisn't easy to say, 'mid her varying vapours,
What scraps should be deemed Testamentary papers;
'Tisn't easy from these her intentions to find,
When perhaps, she herself never knew her own mind,
Every step that we take, there arises fresh trouble;
Is the legacy lapsed? Is it single or double?
No customer brings so much grist to the mill
As the wealthy Woman who makes her own Will.