

CORRESPONDENCE.

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UNFAIR WILLS.

THE EDITOR, CANADIAN BAR REVIEW.

DEAR SIR:—Referring to your item on "Unfair Wills" in 9 C.B. Rev. 502.

I note that after referring to the provisions of Miss Rathbone's Bill you conclude your article by stating, "Would not legislation of this sort suggested by the joint Committee find acceptance as well as justification in Canada?" I would infer from this that you suggest that no Province in Canada has adopted such legislation: I wish to point out that such legislation was enacted in British Columbia in 1920, B.C. Statutes, Chap. 94, and was amended in 1921, Chap. 66, and the "Testators' Family Maintenance Act" is Chap. 256, R.S.B.C.

The rules governing procedure were approved by the Lieutenant-Governor-in-Council on the 27th August, 1920, and are as follows:—

1. Every application made to the Court shall be made by petition in Chambers.
2. The persons to be served with notice of the application shall be the person or persons whose rights or interests are sought to be affected:
 - (a) Where the petition is taken out by any person other than an executor or guardian or next friend of an infant, the said executor, guardian, or next friend;
 - (b) The Court or Judge may direct such other persons to be served with notice as they or he may see fit.
3. The length of the notice mentioned in the last preceding rule shall be governed by marginal rule 712 of the Supreme Court Rules. (2 days).
4. In all other cases not herein provided for, the practice, so far as may be, shall be regulated by the Supreme Court Rules, including the tariff of costs.

The following cases are reported in the B.C. Reports:—

In re Livingston, deceased	Vol. XXXI —468
In re Hall,	Vol. XXXIII —241
In re Stigings,	Vol. XXXIV —347
Brighten v. Smith,	Vol. XXXVII—518
In re Schmalz	Vol. XXXVIII—264
In re Estate of Hugh Ferguson, deceased,
.....	Vol. XLI —269

These cases concern the disposition of the application for relief.

Yours Truly,

Victoria, B.C. October 6th, 1931.

C. K. COURTNEY.