

A question arises here which seems, singularly enough, so far as the writer is aware, to have been entirely overlooked in dealing with cases where the title is made under the belated caution procedure. It relates to the position of the wives of the beneficiaries to whom the estate has shifted on expiry of the statutory period. It is well understood that even momentary seisin is sufficient to cause the right of dower to attach. Upon the shifting of the legal estate, therefore, to beneficiaries who happen to be married it seems clear that the inchoate rights to dower, attach at once. But marriage is a valuable consideration and the Act expressly excepts from its re-shifting operation (assuming for the moment that it has any) "persons who in the meantime may have acquired rights for valuable consideration from or through the heirs or devisees or some of them." The wives, therefore, would seem to fall clearly within this saving clause, and their rights to dower inchoate or consummate as the case might be, would remain unaffected by any re-shifting that might take place. Should the personal representatives thereafter sell the realty it would seem that the title of the purchaser would remain in a defective condition until releases were obtained from the wives of the beneficiaries.

The writer has always acted upon that view in his practice, and required releases from the wives under the circumstances in question, but the point does not seem to have met with general recognition, the common practice appearing to be to accept the conveyance of the personal representative without any enquiry as to whether the beneficiaries were married or not.

#### V. Summary.

If the writer's views as above expressed are correct these main conclusions seem to follow.

1. It is extremely doubtful whether the words of the Act which provide for the shifting of the estate in the realty from the personal representatives to the beneficiaries after the statutory period are sufficient to effect their purpose.

2. It is even more doubtful whether the words of the Act