

tity in the eye of the law, and we must not lose sight of the fact that it has always been held to require appropriate words of grant or vesting to convey or transfer it from one person to another.

The equitable estate is quite a different matter and may, as is well understood, be transferred with much less formality; a simple agreement for the sale of land, for instance, having the effect of transferring the equitable estate therein to the vendee; but such vendee can never be invested with the legal estate until a formal conveyance, with appropriate words of grant, has been executed.

Bearing this distinction in mind let us now see how the legislature has set about to transfer the legal estate at the period mentioned. Referring to the Act as above quoted we find that the provision is that, at the period mentioned, the real estate shall be "deemed thenceforward to be vested in the devisees or heirs, etc.

Now with all possible deference for the framers of the Act, one is naturally inclined to ask why the expression "deemed to be vested" is used, and we are driven to enquire what is the exact meaning and effect of those words, and why they were used instead of the more obvious and intelligible expression "shall thereupon vest" or words to that effect.

Surely the intention was that, at the period, and under the conditions mentioned, the land should actually become vested in the parties named.

There must be a distinction between realty being actually vested and being merely deemed to be vested in certain persons. The former is apparently what was intended, but the latter is what has been enacted. We should suppose the accurate meaning of the latter form of expression to be that the land was not to become actually vested in the persons named, but that certain legal consequences should ensue as though it were vested in such persons. Just as though the legislature should enact that such and such a person should be deemed to be dead. The person