

The third pre-requisite to the right to register the caution is "the consent in writing of *any* adult devisees or heirs whose property or interest would be affected," plainly meaning, I think, the consent in writing of such of the devisees or heirs whose property or interest would be affected as are adults. As Mr. Cameron pointed out, they are the only persons who would be really interested in preventing the registration of the caution, because an infant cannot deal with his property, and there are ample means of protecting the interests of the infant provided by the subsequent sections of the Act requiring the intervention of the guardian before a sale effectual to bind his interest can be made.

Then the legislature has thought that it might not be reasonable to require that there should be the consent of the adult devisees or heirs, and therefore provision is made that, where they do not consent, an order signed by a High Court Judge or a County Court Judge, or the certificate of the official guardian approving of and authorising the caution to be registered, may be registered in lieu of the consent provided for by clause 3.

This case, in my opinion, comes within the very words of the section, and the caution was therefore properly registered. X

I have no more doubt as to the meaning of sec. 15: "In case of such caution being registered or re-registered under the authority of the preceding section, such caution shall have the same effect as a caution registered within 12 months from the death of the testator or intestate. . . ." That language, I think, plainly means that the effect is to be to re-vest the land in the personal representative, just as it would have been vested, or remained vested, which perhaps would be more accurate, if the caution had been registered within the 12 months. If the caution had been registered in due time, the land would have remained vested in the personal representative, and the registration of the caution under sec. 14 could not have the same effect as the registration of a caution in due time, unless it is given the effect I have mentioned, or unless, by the *ex post facto* operation of sec. 16, the statutory vesting in the beneficiaries is to be treated as if it had not taken place, and quacunque via the same result is reached.

If anything be necessary to shew that that is what was intended, the words which follow shew it—"save as regards