

erous amendments, and our purpose in the present article is to consider a few isolated points in this connection.

**II. Of the shifting of the legal estate from the personal representative to the beneficiaries.**

The general idea introduced by the Act was, as is well understood, that at a certain period (originally one year from the death of the decedent, subsequently by amendment, three years from the death), the legal estate in realty should, without any act on the part of the personal representative, shift automatically from the latter to the various beneficiaries.

How was that sought to be accomplished? By the following words, viz.: "Real estate of persons dying on or after the 4th day of May, 1891, not disposed of or conveyed by the executors or administrators within twelve months after the death of the testator or intestate shall, subject to the Land Titles Act, in the case of land registered under that Act, at the expiration of the said period, whether probate of the will of the testator or letters of administration to the estate of the intestate has been taken or not, be deemed thenceforward to be vested in the devisees or heirs beneficially entitled thereto, as such devisees or heirs (or their assigns, as the case may be), without any conveyance by the executors or administrators, unless such executors or administrators, if any, have caused to be registered, in the Registry Office, or Land Titles Office, where the land is under the Land Titles Act, of the territory in which such real estate is situate, a caution under their hands that it is or may be necessary for them to sell the said real estate, or part thereof, under their powers and in fulfilment of their duties in that behalf; and in case of such caution being so registered, this section shall not apply to the real estate referred to therein for twelve months from the time of such registration, or from the time of the registration of the last of such cautions if more than one are registered."

It is necessary here to bear in mind exactly what the legal estate in land is. It is unquestionably a very definite en-