

# Canada Law Journal.

VOL. XLIII.

DECEMBER 1.

NO. 23.

## *CERTAIN POINTS IN CONNECTION WITH THE DEVO- LUTION OF ESTATES ACT.*

### I. Introductory.

- II. Of the shifting of the legal estate from the personal representative to the beneficiaries.
- III. Of the registration of belated cautions and the re-shifting of the legal estate from the beneficiaries to the personal representative.
  1. Defective language of the Act in that connection.
  2. Can the procedure relating to belated cautions be properly resorted to where there are no debts?

### IV. Dower in "re-shifted land."

### V. Summary.

#### I. Introductory.

Probably not even its warmest friends, and they are undoubtedly many—and deservedly so—will venture to contend that the Devolution of Estates Act is an enactment devoid of defects.

Possibly no statute on our books is more far-reaching in its effects, or more radical in the changes it has wrought, and consequently of more general interest to the profession and the public at large, and if that is the case, it will be generally conceded that it is a matter of the utmost importance that all its provisions should be as perfect and as free from ambiguity of expression as possible.

To the writer it has always seemed that these desirable ends have been sadly missed in the framing of the Act and its num-