lands, and not that of the widow in possession *as such* entitled to and claiming her dower, which his lordship contemplated as existing, in order to make the release effective as such if at all, is, I think plainly indicated by the words above referred to, which are as follows: "A disseisor can take a release, so can a tenant at will. It may, without presumption, be termed a subtlety, however respectable by long descent and universal acquiescence, that the widow here in possession should be in a worse position than either of the others. She is either tortiously keeping the true owner out of possession, or she is holding with his assent." In either of these cases, however, the interest (if an estate at all) is not that of the *widow* entitled to dower: It is that of a stranger in possession—it may be a disseisor—it may be (having the terre-tenant's assent)a tenant at will. Let the widow, however, be out of possession, or let her be in under her right of quarantine, and his lordship's words are bereft of their significance. She then would have no interest other than that of a widow claiming dower; and his lordship's remarks fall far short of showing that that interest or right is an *estate*. Did any doubt, however, still exist as to the effect of what his lordship did say is it not dispelled by his own words at p. 292? "I have arrived at this conclusion regarding the deed as *passing an estate* in possession; *not as enlarging an existing interest* by release of reversion." And this is quite agreeable with the conclusion at which the rest of the Court arrived; and which is expressed by the learned Chief Justice in the following words, at p. 286: "The release can operate only by way enlargement; to which it appears to me to be a conclusive answer, that there was no privity of estate between the parties, and that the widow had *no estate* actually vested in her, which was capable of enlargement." In further support of this view, we have the opinion of that learned and careful Judge—Mr. Justice Wilson. In *Miller* v. *Wiley*, 16 U. C. C. P. 542, he says "it is an interest though not an *estate* in the land," and in *Carrick* v. *Smith*,34 U.C.Q.B.,377,he expresses himself thus forcibly: "She was entitled to dower, but she had never claimed it, nor had it been assigned to her. She had *no estate* in the land, but a right to have one established for her."

We find the same opinion existing on the Equity side and expressed by Vankoughnet C., in *McAnnany* v. *Turnbull*, 10 Gr. 299. "The widow has no *estate* in the land till her dower is assigned to her. * * Until then the widow really has nothing in the land. She merely has a right to procure something, *i. e.* dower."

So much for our own Courts. Let us now turn our attention for a few moments to those in the mother country, since you have mentioned some cases as unsettling the law there.

It is perhaps strange that a doubt should at this day arise as to the widow's interest in this respect, when we find the following in Cruise's Digest, Title VI., cap. 3, S. 1. "The widow has *no estate* in the lands of her husband till assignment;" and the opinion of Lord Langdale, M.R., in *Brown* v. *Meredith*, 2 Keen 527. "Until the lands to be held in dower are assigned, the widow has *no estate* in the lands of her deceased husband. She has a right to have her dower assigned, but has no estate in the lands." Any doubts that do exist must derive their origin from *Lloyd* v. *Trimleston*, 2 Molloy, 81. I must premise my remarks on this case by saying that the contest here was, it is true, between the widow and the heir-at-law; but the widow was in possession, not *as widow* claiming her dower, but as *devisee* under her late husband's will, claiming an estate in the *whole* land; and the validity of this will was in dispute. So that the point in question did not