only of the Judges of the Court" in *Acre* v. *Livingstone*, would have thrown great doubt upon the question, had there been but a majority of the Court in favor of the view which I advocate, and had that point come expressly before him for adjudication. *Collyer* v. *Shaw*, however, was not decided upon this question. That the merest glance was bestowed upon *Acre* v. *Livingstone*, and the other cases cited to the Court, is, I think, evident from the reasons which I shall give. One, and the strongest, is that his Lordship is reported to have disavowed his concurrence with the *majority* of the Court. It will be seen that the Court were not divided upon the question, but were unanimous. His Lordship also said that he, nevertheless, was not at liberty to disregard the cases referred to; and therefore must have attached sufficient weight to them to cause him to abandon this ground, and decide *Collyer* v. *Shaw* on another one. Hence, we can hardly conclude that the opinion of the learned Vice-Chancellor is opposed to, or conflicting with, the principle recognized in *Acre* v. *Livingstone*.

Having thus endeavoured, and I trust not without some success, to clear away the doubt which might be founded on *Collyer* v. *Shaw*, I shall attempt to reconcile the opinions of the members of the Court in *Acre* v. *Livingstone*. His Lordship Chief Justice Draper, relying on the authority of the Touchstone and *Doe McKenny* v. *Johnson*, 4 U. C. Q. B. 508, that the widow, being rightfully in possession at her husband's death, is therefore merely a tenant at sufferance, concludes that the language there used correctly described the position of the widow in this case; and that therefore there was no such *estate* in her as a release would operate upon. It was necessary in this case, first to determine that question, in order to ascertain the effect of a certain deed of release, the construction of which was asked the Court. The only operative words in this deed were, "remised released and forever quit-claimed." The question then arose, how far the words used would serve to cause the deed to take effect as a *grant*. And the words used were *per se*, in his Lordship's opinion, insufficient to *pass an estate*. Morrison, J., was of the same opinion. It was on this latter point that Hagarty, J., dissented from the rest of the Court; namely, the question as to whether the deed, containing the operative words of a release only, while failing to operate *as such*, could be construed as a *grant*. And, before the necessity for even discussing this point arose, the learned Judge must have entertained a serious doubt as to the existence of such an estate in the widow as would give effect to the *release as such*. This doubt, if it did not become a certainty in his Lordship's mind, at any rate assumed such vast proportions, that he abandoned all attempts to make the deed operate as a release, and becomes "astute" in discovering means whereby to make it attain its intended object in some other way. It is plain then that his Lordship, for the purpose of this case at least, instead of dissenting from, entirely concurs with the rest of the Court in the opinion that the widow had *no estate* in the lands; otherwise the release would have been operative as such. It is true that we find his Lordship saying, at p. 294, "I should pause long before holding the deed valueless as a mere release." But it is also true that his Lordship premised this, by saying, "It is not necessary for me to decide finally on its possible operation in the * * * sense" of enlarging the interest of the widow. Probably, the gist of what his Lordship's judgment might have been, had he expressed his opinion decidedly on this point, is foreshadowed by what he says at p. 293; and that it was some interest, analogous to that of a disseisor or tenant at will in possession of the *whole*