The wife's interest comes within the latter part of this description; since she is the ascertained object of a contingent interest. And taking this view of it, the interest would be within this Act. For though the event of the husband's death cannot be said to be a contingent one, yet the contingency lies in the uncertainty of its happening in the life-time of the wife. And it is said by Mr. Leith (R. P. Stat. p. 67) that the statute relates not to interests which are vested as regards estate and merely executory as regards enjoyment, but rather to those which are future and executory as regards not only their enjoyment but also their vesting; and further, are defined to be "interests at the same time executory future and contingent."

It may be argued that her interest is of a like nature with that of one of two persons, in favour of the survivor of whom a gift is to take effect, which is said to be a mere possibility. But her interest is swallowed up or merged in the estate of the husband upon her death; he does not take the same interest which would have vested in her, had she survived him; so that this analogy is not perfect.

Let us glance at several instances of naked possibilities, and see if the wife's interest comes within a description which would include them. The heir has a possibility of succeeding to his ancestor's estate. A devisee, named in the will of a person living, has a possibility of receiving the benefit of the devise. But has either of them more? It cannot be said that either one has any *interest*, in addition to the possibility; for, though we have an instance above of a purchaser bargaining with the heir for his chances, still the ancestor may disinherit the heir without his consent, by making a will, and the purchaser takes nothing; and the devisee again may be deprived of all possibility of taking under the will by its cancellation, or the making of a new one; and this, even in opposition to his dearest wishes. In what position does the wife stand when compared with these? She is the certain object of the interest termed "right of dower," as the heir apparent is the ascertained person to succeed to the estate of the ancestor; or the devisee, the person fixed to take under the will in which he is named. In what, then, does her position differ from that of either of these? In this, that she has an interest which, without her consent, *cannot be diverted* from the course in which it will gravitate in case she survives her husband. While the heir and devisee may each be deprived, without their consent, of their present rights, the widow has such an interest coupled with the possibility of surviving her husband as she cannot be divested of, except by her own consent; and for which, upon parting with it, even to the person owning the estate out of which it is to be enjoyed, she is at liberty to ask a *quid pro quo*. Since she has something which she may demand a consideration for, upon parting with it, it can hardly be denied that this something which may one day become an actual vested estate in lands, may be called an *interest*. It must be admitted that it is, at least, a contingent one. That it is a future one, or one to be enjoyed, if at all, in the future, will not be disputed. That it is a possibility, is obvious. And that the possibility is coupled with an *interest*, depends not solely upon the value of the above arguments, but has the sanction of the opinion of an eminent conveyancer. (Leith, R. P. Stat., p. 69.) It may therefore be said to be described by some one of the above terms. Assuming this to be so, it falls within the purview of C. S. U. C., cap. 90, sec. 5; and, while the interest had already become assignable at law by the statutes above referred to, of which it is the special object; under this