

from the death of the testator or intestate, save as regards persons who in the meantime may have acquired rights for valuable consideration from or through the heirs or devisees, or some of them, and save also and subject to any equities on the part of non-consenting heirs and devisees, or persons claiming under them, for improvements made after the expiration of twelve months from the death of the testator or intestate, if their lands are afterwards sold by such executors or administrators."

It will be observed that the provision of this enactment is, shortly, that the registration of a belated caution is to have the same effect as the registration of an ordinary caution. Let us see then what is the effect of this latter registration.

Its definition is found in section 13 of the Act, the provision there being that the legal estate in the realty of a deceased shall shift after one year to the beneficiaries, "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."

We learn then that the effect of registration of an ordinary caution is purely negative—that is to say, it does not cause any shifting of the estate to take place from any one person or set of persons to any other person—it merely keeps matters in statu quo for another year (now three years).

The provision of the later enactment, viz: That relating to the registration of belated cautions is that such registration shall have the same effect as the registration of an ordinary caution. How can it possibly have such effect?