

—the cases are clear. "It never could be doubted," said Lord Ellenborough in *Doe v. Guy* (1802), 3 East, 120, at p. 123, "but that at law the interest in any specific thing bequeathed vests in the legatee upon the assent of the executor." The report of *Barton's* case (1677), Freem. K.B. 289, states authoritatively that "when a certain thing as a horse or a cow is devised, as soon as the executor assents the property vests in the legatee, and he may have an action at common law for the recovery of the thing."

So much for chattels personal. Is there any distinction between them and chattels real, such as leaseholds? For our purposes there is none. On the assent of the executor to a gift of leaseholds the legatee acquires the legal interest in the legacy. In the words of Lord Ellenborough, it makes no difference whether the bequest be of a personal or a real chattel: *Doe v. Guy*, sup., at p. 123. To cite a more recent authority, Mr. Justice Kekewich in *Re Culverhouse; Cook v. Culverhouse*, 74 L.T. Rep. 347; (1896), 2 Ch. 251, holding that specifically bequeathed leaseholds vested absolutely in the legatee on the executor's assent, made the following observation: "It is an exception from the general law that a man requires, in order to complete his title, something in the nature of a conveyance." Lord St. Leonards was fully aware of the risk involved in taking an assignment of leaseholds from an executor, for he advised that this could not be safely done without the concurrence of the legatee for fear of there having been a previous assent to the bequest: see 2 Sug. V. & P., 9th ed., p. 56.

As regards realty, other than land of copyhold or customary tenure, the Land Transfer Act, 1897, now provides that a deceased person's real estate shall vest on death in his personal representatives as if it were a chattel real notwithstanding any testamentary dispositions: s. 1 (1). The second sub-section of s. 2 provides that all rules of law relating to the effect of probate or letters of administration as respects chattels real, and as respects the dealings with chattels real before probate or administration, and other matters in relation to the administra-