

MEREDITH, C.J.:—In the course of the proceedings before the Master, he assumed to sanction an arrangement entered into, while the reference was pending, between the testator's widow and the creditors, by which the widow released her dower in her husband's lands, in consideration of the creditors agreeing not to attack as fraudulent against them the transfers which her husband had made to her of part of his property.

The Master also assumed, although by the order it was provided that all balances which might be found due from the plaintiff or the defendants to the estate of the deceased should be, forthwith after they had been ascertained, paid into Court to the credit of the cause, subject to further order, to dispense with payment into Court.

In both cases the Master acted without authority, and his action, in order to have effect, *must* be confirmed by the Court.

With regard to the latter of them, it was stated by counsel that the executors, the Toronto General Trusts Corporation, have consented to distribute without charge the moneys in their hands among the creditors; and an order may, therefore, be made dispensing with payment into Court, and providing for distribution in that way.

Since the motion was heard, an affidavit has been filed shewing to my satisfaction that the arrangement with the widow is a proper one to be sanctioned, and the order will provide for its confirmation.

I have had doubt as to whether the administration of the estate in Court is justifiable. With the wide powers now possessed by personal representatives for the disposition of the property of the deceased and the distribution of the proceeds among creditors and persons entitled, it can very seldom happen that an administration in Court is necessary, and the practice of the Court is not to make an order for administration unless a clear case shewing the necessity for it is made out. One of the main objects of the Devolution of Estates Act was to render the administration of an estate in Court, in ordinary cases, unnecessary, an object which would be defeated unless the Court was slow to make administration orders.

Upon the whole, I have come to the conclusion that, in the circumstances of this case, my doubt is not sufficient to warrant my depriving the parties of the commission and disbursements that have been allowed.

The practice of a Local Master making an administration order with a reference to himself is not a satisfactory one, and it would