

or administrator, the heir or devisee is free from an action at the suit of a creditor. Where there has not been a conveyance, but where the land has become vested in a devisee or heir under the 13th section of the Devolution of Estates Act, the heir or devisee shall continue to be liable: R.S.O. 1897, c. 127, as amended by 2 Edw. VII. c. 1, s. 4, and 2 Edw. VII. c. 17."

With great respect we venture to think this statement of the law is not quite accurate and is liable to be misleading, and we do not think it is the opinion of the author to whom the learned judge refers. The former Act, s. 20 (now 10 Edw. VII. c. 56, s. 24(1)), expressly states that where a conveyance is made by the executor or administrator to a beneficiary, a bonâ fide purchaser for value from such beneficiary shall hold the land freed from the debts of the deceased not specifically charged thereon; yet that notwithstanding such conveyance the section does not affect the rights of creditors against the beneficiary to whom the land is conveyed. The position appears rather to be this, that a bonâ fide purchaser for value from a beneficiary to whom the land of a deceased owner has been conveyed by the executor or administrator is entitled to hold the land freed and discharged from the debts of the deceased not specifically charged thereon, and the beneficiary to the extent of any benefit he may have received from such lands remains liable to creditors of the deceased. But a beneficiary on whom land has devolved under s. 13 and a bonâ fide purchaser from him for value, will both take the land subject to a liability to be sued by creditors of the deceased who are entitled to follow the assets into their hands. It is submitted that this is the real effect of 10 Edw. VII. c. 56, s. 24, and we think that is really Mr. Armour's conclusion.

Mr. Armour appears to consider that the right of a creditor of a deceased owner to follow lands into the hands of a devisee rested altogether on the Fraudulent Devises Act, 3 W. & M., c. 14, and that because such statute has not been continued, but in effect repealed, such right no longer exists. But it is submitted that that opinion is open to question. The reason land devised could not be got at in England in the hands of a devisee, except