He asked the registrar for a certificate of all instruments in which the testator appeared as grantor, assignor, plaintiff, or defendant, or otherwise parting with or creating any interest in the land, etc., and that officer certified according to the fact that no such instruments were recorded. Unfortunately the solicitor omitted to ask for any such certificate as to the executors named in the will, and the money was accordingly advanced, in ignorance of the registration of the caution. An interesting question has now arisen as to the person on whom the loss of the money is to fall, the lands being required to pay the debts of the testator.

We have on former occasions expressed the opinion in which others are now joining, that Sir Oliver Mowat made a grievous mistake in permitting the original simplicity of the Devolution of Estates Act of 1886 to be tampered with. We were somewhat surprised some time ago to see that a gentleman actually claimed credit for having induced him to make the change; we can only say that the combination of the old system of the heir or devisee taking directly from the deceased without the intervention of the personal representative, with the added machinery of cautions, instead of making things simpler has only introduced difficulties and pitfalls where there ought to have been none. Under the decisions of the Courts the Act as originally passed was beginning to run perfectly smoothly, when unfortunately Sir Oliver allowed it to be tinkered, and, as we think, spoilt.

This is one of the curses of our legislative system—its fatal facility—a good law carefully thought out is no sooner passed than it is marred through ill-advised alterations (we cannot call them amendments), introduced by some one with a little petty difficulty to remedy. In this case a desire to save a few dollars for a deed from an executor, or the cost of letters of administration, has been the indirect cause of some other person losing some thousands of dollars.