

Some deceased persons, it is true, may leave behind them a full and accurate record of all their possessions; but it is an indisputable fact that a great many do not, and that it is often a very difficult matter to ascertain of what a deceased person's estate consists, and where the lands, if any, to which he died entitled are situate; and where, as is often the case, a person is appointed administrator who has had no previous knowledge of the deceased person's affairs, the difficulty is increased. And by the pernicious amendments to which we refer a most solid inducement is held out to persons who are best able to give information as to the deceased's estate to conceal it; for it is plain that if the next of kin of the deceased can effectually conceal from the personal representative the rights of the deceased in any of his real estate for the space of a year, they may then dispose of it for their own benefit, and the claims of creditors will be defeated.

The old difficulty, moreover, which arose in making title through an heir is perpetuated by this mischievous amendment. Any one familiar with conveyancing knows very well that the proof of heirship after a lapse of years is often a very great obstacle in making out a title, and yet this very difficulty is revived by the amendments we have referred to.

As the Act originally stood, the conveyance of the personal representative was necessary in all cases (see *Martin v. Magee*, 18 App. R. 384); but the conveyance of the personal representative would confer a valid title: *Re Wilson*, 20 O.R. 397. It was no longer necessary to go into an elaborate enquiry as to heirship; the personal representative made the investigation, and at his peril conveyed to the proper parties. If any one was injured, their remedy would be against the personal representative, and not against a purchaser from the person to whom he had conveyed. Now, however, we are thrown back again on the old-time system, with all its inconveniences, and, as far as we can see, without a particle of justification.

The amendment we refer to, therefore, besides inflicting unreasonable liabilities on personal representatives, revives the former difficulties in titles attending a succession derived immediately from the deceased owner.

The paltry expense of requiring a deed from the personal representative has been avoided, it is true, but at too heavy a cost. It appears to us it would have been far better to appoint in every