

would, no doubt, be a very radical change ; but primogeniture has been abolished in Ontario for over thirty years, and the persons beneficially entitled to share in a deceased person's real and personal estate are in most cases now the same individuals ; this, however, is not invariably the case, but the differences which exist are purely factitious and should not be suffered to continue. For instance, all a deceased person's goods and chattels must pass under the control of his executor or administrator ; no bequest is valid until it has been assented to by the executor, and he cannot properly assent until the claims of all creditors have been paid, or their payment provided for. Now, why in the name of common sense should not the same rule apply to land ? In Newfoundland the same law applies to both kinds of property, and its operation has been found most beneficial. In several of the Australian Colonies this change has been also adopted. So plain and obvious an improvement in the law, must commend itself to the mind of everyone, who for a moment considers the subject. If land were not liable to pay the debts of a deceased owner, one could understand why the administration of this class of property should be exempted from the authority and control of the executor and administrator ; but seeing that it is liable, the depriving the executor and administrator of all control over it, is most unreasonable. But although the land is, on the death of an intestate, vested in his heirs at law, yet by one of the strangest anomalies existing in the laws of any reasonable people, a creditor may, in Ontario, recover judgment against the executor or administrator of his debtor, and upon an execution issued on that judgment, to which the heirs-at-law are no parties, he may proceed to sell in execution, lands of which the title is by the law vested in those heirs-at-law ! The first principles of justice seem violated by this procedure, and yet it is a procedure that has prevailed in Ontario for many years past.

The abolition of the law of primogeniture was an advance in the right direction. But without some such change in the mode of descent as is now suggested it cannot be regarded as an unmixed good. It leads to great inconvenience and difficulty, from the fact that it has largely increased the number, of individuals entitled to participate in a deceased person's real estate, and by reason of this increase in the number there is a corresponding increase of difficulty and expense in ascertaining who the individuals interested are, and where they reside, and a