

and to impose unreasonable risks and liabilities on those who may assume the duty of acting as personal representatives of deceased persons.

By the amendments to which we refer, it is provided that unless the personal representative, within a year of the death of the deceased owner, shall register in the proper Registry Office, or Land Titles Office, a caution under their hands that it is, or may be, necessary for them to sell the real estate or part thereof, the land is to vest in the heir or devisee, as the case may be, without any conveyance from the personal representative. And by 56 Vict., c. 20, s. 3, this vesting will take place even though no probate or administration may have, within the year, been granted to the deceased person's estate. This Act also gives power to register the caution after the year, but subject to any rights which have been acquired in the meantime by reason of its non-registration.

These amendments have been held not to apply to the estates of persons dying prior to May 4th, 1891. See *Re Ferguson*, per Meredith, J., June 26, 1891; *Re Baird*, per Boyd, C., June 19, 1893.

As regards the estates of persons dying subsequently to that date, personal representatives are placed in an exceedingly awkward position.

There are at present over sixty Registry Offices and Land Titles Offices in this Province, and unless within the year of the death the personal representative shall register a caution in every one of them he may be deemed guilty of a breach of duty, and liable to creditors whose rights against their deceased debtor's estate have been lost by the neglect. For if it should happen that owing to the want of registering the caution any land of the deceased vests in the next of kin or devisee, and he should sell the property, the rights of the creditors of the deceased against the land would be effectually barred.

In a recent case before the Chancellor, not yet reported, a beneficiary mortgaged his interest before the year was up, and the caution not having been registered in time it was held that the mortgage cut out the claims of the creditors.

It seems absurd to say that a personal representative should register a caution in every Registry Office. But will any one explain how he is to be sure that the deceased had lands in such and such counties or districts and no others?