masters of the Supreme Court, and local registrars respectively, shall, in actions begun or pending in their offices, be entitled to tax all bills of costs, including counsel fees; subject only to appeal to a judge of the High Court." This, the Chancellor held, does not give the local officers power to allow increased counsel fees beyond $20 to senior counsel and $10 to junior counsel. Whenever increased fees are sought the fiat of one of the taxing officers in Toronto must be obtained, as prescribed by item 164 of the tariff. We understand that the taxing officers in Toronto have come to the conclusion not to grant any fiats for increased fees except upon notice to the opposite party.

## *ADMINISTRATION OF REAL ASSETS.*

A BILL has been introduced in the British House of Commons providing for the administration of real assets. The bill provides that "when any person shall die seized of, or entitled to any estate or interest in any lands, tenements, or hereditaments, corporeal or incorporeal, or other real estate, whether freehold, copyhold, or of any other tenure, the same shall, notwithstanding any testamentary disposition, devolve upon and become vested in his legal personal representative from time to time, and subject to the payment of his debts." It further provides that the executor or administrator "shall have power to dispose of, and otherwise deal with, all real property vested in them by virtue of this Act, with all the like incidents, but subject to all the like rights, equities and obligations as if the same were personal property vested in him."

Bills having a similar object, it will be remembered, were introduced by the Attorney-General and Mr. Ermatinger, M.P.P., during the recent session of the Provincial Legislature, and met with the concurrence of all parties in the House. And a bill founded on both of these bills actually passed a second reading; but, at the last moment, for some unexplained reason, the Attorney-General suffered it to drop.

It is quite clear that the present mode of devolution of real estates on the death of the owner is not satisfactory; more especially as regards the claims of creditors. As between the claims of heirs and devisees on the one hand, and those of creditors of the deceased owner on the other, we think there can be no difference of opinion as to the right of the latter to payment of their debts out of the assets of their deceased debtor, whether real or personal, being entitled to paramount consideration. As the law at present stands, however, it places the devisee or heir of the deceased debtor in the same position as the debtor. If they can effect a *bona fide* sale of the lands descended, or devised, it will hold against creditors and the latter are left to their personal remedy against the heir or devisee for the amount of assets so received by them, which may prove in many cases worthless.

In the case of *Spackman* v. *Timbrell*, 8 Sim. 253, a debtor devised his estate to his son in fee. After the testator's death the son settled the devised estates on his marriage on his wife and children; the son was a bankrupt, and the result was the creditors lost all claim on the land, and the personal remedy against the devisee was of course worthless. This case was decided as long ago as 1836. To the same effect are *Kinderley* v. *Jarvis*, 22 Beav. 1, and *Reid* v. *Miller*, 24 U. C. Q. B. 610. No one can reasonably pretend that this is a satisfactory condition of the law. The reason frauds of this kind (if such a term can properly be applied to a proceeding which is sanctioned and protected by the law) are not more frequently