

The above Acts which exhibit much care and accuracy in their drafting were prepared under the direction of the Minister of Justice, and by him carried through the House.

THE DEVOLUTION OF ESTATES ACT.

Pollock and Maitland in their erudite work, "The History of English Law before the time of Edward I." conclude the chapter on Intestacy with the following noteworthy passage: "It is in the province of inheritance that our mediæval law made *its worst mistakes*. They were natural mistakes. There was much to be said for the simple plan of giving all the land to the eldest son. There was much to be said for allowing the courts of the Church to assume a jurisdiction, even an extensive jurisdiction, in testamentary causes. We can hardly blame our ancestors for their dread of intestacy without attacking their religious beliefs. But the consequences have been evil. We rue them at the present day, *and shall rue them so long as there is talk of real and personal property*." This difference as to the law of real and personal property the authors date about the year 1200.

By slow and cautious steps we have been gradually emancipating ourselves in Ontario from the inconveniences which the mediæval law entailed. In 1851 we abolished the primogenital rule of descent. We never had any Ecclesiastical Courts, but we perpetuated what the Ecclesiastical Courts stood for in the mediæval law, and for a long time we continued the rule whereby lands descended directly to heirs, or devisees, and the personal property in the first place devolved on the personal representative and through him to creditors, and legatees and next of kin. For a long time we experienced in an acute form all the evils of this divided system, and many good estates in Ontario in time past have paid heavy toll to lawyers in the process of administration. Some of the older generation of lawyers may remember the time when an administration or partition suit was in almost every case necessary before the estate of a deceased person could be wound up, and that many big bills of costs had to be paid before the operation was complete. This may have been thought advantageous to the legal profession, but we doubt very much whether such advantages are to be desired. The true interests of the profession can never be that of the leech preying on the public,