come through his personal representative. Having by the Devolution of Estates Act established, as we conceive, these two fundamental principles, the Legislature has now, by the Act we have referred to, introduced a discordant principle by enabling the next of kin or devisees to take immediately from the deceased as formerly, instead of derivatively through his personal representative. It is hardly to be wondered at if so great a change in the law as was effected by the Devolution of Estates Act should be accompanied at first by some little friction. People would not all at once appreciate the change effected thereby, and their being familiar with the old system might at first lead them to think the change effected by the new law as productive of hardship—entirely forgetful of the real and substantial benefits of the Act. It can hardly be doubted that the giving of the personal representative power to wind up the whole estate is an immense boon to the public and a great saving of expense. Neither can it be doubted that if the principle of requiring a title to be deduced through a personal representative were maintained in all cases, it would in the long run tend greatly to the simplification of titles. These benefits were further enhanced by the security which the Devolution of Estates Act afforded to creditors in insuring the due application of all assets of their debtor, whether real or personal, in payment of his debts. These benefits are manifest and obvious, and ought not, it appears to us, to have been jeopardised by any such considerations as appear to have induced the passage of the Act of last session. We understand it has been considered a hardship to require the next of kin or devisee to obtain a deed from the personal representative, and for the purpose of saving this trumpery expense the Legislature appears to have been unfortunately induced to accede to a piece of legislation which, we fear, will prove a very costly remedy for a very insignificant complaint.

The first section of the Act provides that "real estate not disposed of or conveyed by executors or administrators within twelve months after the death of the testator or intestate shall, at the expiration of the said period, be deemed thenceforward to be vested in the devisees or heirs beneficially entitled, as such devisees or heirs (or their assigns, as the case may be), without any conveyance by the executors or administrators, unless such executors or administrators, if any, have caused to be registered in the registry office, or Land Titles office where the land is under The Land Titles Act, of the territory in which such realty is situate, a caution under their hands that it is or may be necessary for them to sell the said real estate or part thereof under their powers and in fulfilment of their duties in that behalf; and in case of such caution being so registered, this section shall not apply to the real estate referred to therein for twelve months from the time of such registration, or from the time of the registration of the last of such cautions, if more than one are registered."

The interpretation of this section by judicial decision we predict will prove a very costly business.

First and foremost among the questions to arise is whether or not the section is retrospective in its operation. Many very solid reasons, we believe, may be assigned in favor of the negative. To hold it retrospective would be to divest personal representatives of a considerable portion of the assets of the estate in