

dissemination of anti-Christian principles amongst its people we are learning to-day by a painful experience.

TRUSTEE IN DEFAULT—SET-OFF OR RETAINER—BENEFICIAL INTEREST OF DEFAULTING TRUSTEE IN TRUST ESTATE.

*In re Dacre, Whitaker v. Dacre* (1915) 2 Ch. 480. Under the will of one Womack, Henry Dacre was appointed a trustee; by the will a legacy was bequeathed to Alice Dacre; she died, and Henry Dacre became entitled to the legacy. He died, and his executors, who were also administrators with the will annexed of Alice Dacre's estate, were now entitled to the legacy. On the death of Henry Dacre it was found that he had received £1,500 of the Womack estate, which he had paid into his private bank account, and had misappropriated all of it but £215 5s. 9d., which at his death remained to the credit of his account, and which had never fallen to a lower figure. The present action was for the administration of Henry Dacre's estate. The surviving trustee of Womack's estate claimed to be entitled to the £215 5s. 9d. as part of the Womack trust estate, and this claim was conceded by the executors of Henry Dacre's estate. He also claimed to set off or retain as against Henry Dacre's defalcation the amount of the legacy to Alice Dacre to which the estate of Henry Dacre was now beneficially entitled. This was resisted by the administrators with the will annexed of Alice Dacre's estate, who were also Henry Dacre's executors, but Sargant, J., held that the trustee of the Womack estate was entitled to retain *pro tanto* the legacy to Alice Dacre as claimed, and it was immaterial that the title of Henry Dacre's estate to that legacy was derivative.

BRIDGE ACROSS CANAL—STATUTORY DUTY TO KEEP BRIDGE IN REPAIR—STANDARD OF REPAIR.

*Sharpness R.D. and G. and B. Navigation Co. v. Attorney-General* (1915) A.C. 654. In this case the House of Lords has been unable to agree with the Court of Appeal. The defendants in the action were empowered by statute to construct a canal across a highway, and were required to make a bridge across the canal in accordance with the requirements of certain commissioners, which bridge the defendants were required by statute from time to time to support, maintain and keep in sufficient repair. The bridge was erected in 1812, in accordance with the requirements of the commissioners; having regard to the present needs of the district, this bridge had become inadequate, and