

the end of 1910 prepared and gave her a book containing all the particulars of her property. She died in 1917 and in 1918 the plaintiffs who were beneficiaries under her will of which the defendant was also executor brought this action for the administration of the original testator's estate for an account of his dealings therewith, but did not allege any misapplication. The defendant claimed the benefit of the Trustee Act, 50-52 Vict. ch. 59, sec. 8 (1) (a) (b), (see R.S.O. ch. 75, sec. 47 (2) (a) (b)). Peterson, J., who tried the action held that the action was one to recover a legacy within sec. 8 of the Real Property Limitation Act 1874 (see R.S.O. ch. 75, sec. 24), and therefore the Trustee Act, sec. 8, did not apply and the period limited by the Limitation Act not having elapsed the action was in time, and with this the Court of Appeal (Lord Sterndale, M.R., and Warrington and Younger, L.JJ.), agreed. Peterson, J., however held that sec. 8 (1) (a) of the Trustee Act (see R.S.O. ch. 75, sec. 24) applied to an action against an executor for an account, and had the effect of barring all items not within any of the exceptions mentioned in that sub-section, but he had nevertheless directed the usual accounts against the defendant for the purpose of ascertaining the facts. The Court of Appeal however disagreed with him on that point and held that the Trustee Act had no application to the case.

**WILL—CONSTRUCTION—GIFTS TO “WIFE,” “DAUGHTERS,” “SONS”
AND “CHILD OR CHILDREN”—LEGITIMATE SON AND TWO
DAUGHTERS—UNION WITH DECEASED WIFE’S SISTER—ILLE-
GITIMATE DAUGHTER AND TWO SONS.**

In re Bleckly, Sidebotham v. Bleckly (1920), 1 Ch. 450. The point in question in this case was whether illegitimate children could take under a bequest to “daughters” “Sons” “child or children.” The facts were that the testator had married and had a legitimate son and two daughters. After his wife's death he had gone through the form of marriage with his deceased wife's sister, and by this union he had one daughter and two sons. By his will he referred to his deceased wife's sister by name as his “wife” and made bequests in favour of his “sons” and his “daughters.” Eve, J., held that these bequests were confined to the legitimate children and that the illegitimate children took nothing, but the Court of Appeal (Lord Sterndale, M.R., and Warrington and Younger, L.JJ.), held that the will was so worded as to come within the second exception laid down by Lord Cairns in *Hill v. Crook*, L.R. 6 H.L. 265, viz., where there is on the face of the will itself, upon a just and proper construction and inter-