

the above bounden John Eagan, his heirs, executors, or administrators (the amount of such price or purchase money and the time when such sale shall be made being entirely at the option of the said above bounden John Eagan), then this obligation to be void . . .” This bond was registered.

John Eagan died without having made a sale of the land, but leaving a will, made in 1906, devising the land to his wife Isabella Eagan for life, with remainder in fee to his niece Laura Dorothy Eagan. These ladies have made a sale to Ernest J. Dawson, who raises the difficulty that Anne Eagan has an interest in the land. Anne Eagan is dead, but has left next of kin and heirs-at-law. The vendors contend (as appears from their solicitors’ letter) that the bond is a personal bond, and that, owing to the death of Anne Eagan, it is no longer of force. She died after John Eagan.

The present is not such a case as *Baker v. Trusts and Guarantee Co.*, 29 O. R. 456, in which a contract was set out in the bond giving the plaintiffs a charge or lien on the land. While it is true that land is mentioned in the condition, and the whole document has been admitted to registry, I think it clear that no title or interest in the land is given by the bond to Anne Eagan, and no charge or lien is to be found in her favour.

It is not necessary to consider whether the bond is still in force between the representatives of Anne Eagan and those of John Eagan; the whole liability, of any, is a personal liability. It appears from the condition of the bond that the “price or purchase money” was intended to “be paid to . . . John Eagan, his heirs, executors, or administrators,” and the purchaser is quite safe in so paying it. Whether any part of this sum must then be paid to the representatives of Anne Eagan is a question with which the purchaser has nothing to do.

Admittedly the title is in the devisees of John Eagan, and they can consequently make title.

An order will be made so declaring, and the purchaser will pay the costs of this application.