

against the solicitor by his client, charging negligence in respect of proceedings so taken on the client's behalf; but it is altogether a different matter when the solicitor is sued by a third person who has been injured by the solicitor's proceedings. In the case in question, the wrongful payment was not brought about as the result of legal proceedings, in which the parties were at arm's length, in which case, no doubt, the solicitor would have escaped liability; but, on the contrary, was due to the persuasions of the solicitor that such payment might be validly made, notwithstanding the prior adjudication that the debt had been barred by the statute.

CURRENT ENGLISH CASES.

EXECUTOR--ASSENT TO LEGACY OF LEASEHOLDS--MORTGAGE BY EXECUTOR TO BUILDING SOCIETY, HOW FAR BINDING ON TESTATOR'S ESTATE.

In *Thorne v. Thorne*, (1893) 3 Ch. 196, two points are discussed. The first was as to whether payments made by an executor to or for the benefit of a legatee of leaseholds and other property, not specially out of or on account of rents, could be deemed evidence of the executor's assent to the legacy. On this point Romer, J., was of opinion that in the absence of any representations on the subject by the executor, such payments would not be sufficient evidence of assent to the legacy by the executor. The other point was as to the extent to which the beneficiaries would be bound by a mortgage of his testator's assets made by an executor to a building society. On this point Romer, J., held that although the executor could not make the estate liable for him as a shareholder of the society, yet that such a mortgage, though made to secure not only the money actually advanced and interest thereon, but all moneys becoming due from the executor as a shareholder, is not wholly void, but good as security for the money advanced and reasonable interest, if the advance was made in good faith to the executor in that capacity.

INFANT--MARRIAGE SETTLEMENT--CONTRACT OF INFANT--AGREEMENT TO SETTLE AFTER-ACQUIRED PROPERTY--REPUDIATION OF SETTLEMENT BY INFANT FIVE YEARS AFTER ATTAINING MAJORITY--REASONABLE TIME.

Edwards v. Carter, (1893) A.C. 360, is a case known in the courts below as *Carter v. Silber*, (1891) 3 Ch. 553, and (1892) 2 Ch. 278, which has been noted *ante* vol. 28, pp. 106, 493. The