REVIEW OF CURRENT ENGLISH CASES.

(Registered in accordance with the Copyright Act.)

ADMINISTRATION—LEGATEE DEBTOR—RETAINER OF LEGACY IN SATISFACTION OF DEBT DUE TESTATOR'S ESTATE—SET OFF.

In *Turner* v. *Turner* (1911) 1 Ch. 716 a question arose in the winding-up of a partnership. The firm was indebted to a deceased testatrix who had, by her will, bequeathed legacies to both members of the firm; and the question was whether there was any right of retainer or set-off of the individual legacies against the debt due by the firm. It was contended that *Smith* v. *Smith*, 3 Giff. 263, 270, had decided that the right of set-off claimed did exist, but the Court of Appeal (Cozens-Hardy, M.R., and Moulton, and Buckley, L.JJ.) held that that case only decided that the assignees in bankruptcy of a firm indebted to an estate were not entitled to recover a legacy bequeathed to one of the members of the firm, without first paying the firm debt. But the Master of the Rolls points out that the assignees in bankruptcy of a member of a partnership were at the date of that decision assignees both of the joint and separate estates of such partner, but that a partner so long as the firm is in existence, is only jointly liable for partnership debts, although on his death or bankruptcy his estate is severally liable in due course of administration for partnership debts, but subject to the prior payment of his separate debts. In the present case the firm being in esse, the Court of Appeal held that the right of retainer or set-off of the legacies to individual partners against a debt due by the firm of which they were members did not exist.

FIDUCIARY RELATION—GIFT—NATURAL AFFECTION—DUAL RELATION EXISTING BETWEEN DONOR AND DONEE—INDEPENDENT ADVICE—MOTHER AND SON.

In re Coomber, Coomber v. *Coomber* (1911) 1 Ch. 723, the Court of Appeal (Cozens-Hardy, M.R., and Moulton, and Buckley, L.JJ.) have affirmed the decision of Neville, J. (1911), 1 Ch. 174 (noted ante, p. 222), but on somewhat different grounds. It may be remembered that the action was brought to impeach a gift from mother to son for want of independent advice. Neville, J., upheld the gift as being made in consideration of natural affection, and because the donee thought that