

the defendants' respective predecessors in title, and that they were bound by the so-called covenants in the deed, although it had not been executed, and notwithstanding that there was a reservation of a right to the original owner to dispense with such covenants, and notwithstanding the defendants had not executed the deeds from their respective vendors.

ADMINISTRATION — STATUTE BARRED DEBT — RESIDUARY LEGATEE
ALSO RESIDUARY LEGATEE OF DEBTOR'S ESTATE.

In re Bruce, Lawford v. Bruce (1908) 2 Ch. 682. The Court of Appeal (Cozens-Hardy, M.R., and Moulton and Farwell, L.JJ.) have been unable to agree with the decision of Neville, J. (1908) 1 Ch. 850 (noted ante, vol. 44, p. 483). The testator whose estate was in question died in 1882 leaving James Bruce a share of his residuary estate. In 1878 the testator had lent his sister £200 at 5 per cent. interest, which had never been repaid. She died in 1903, making James Bruce one of her executors and also her residuary legatee, and as such he received £5,000. The point in question was whether James Bruce was bound to give credit for the debt due by the testator's sister as part of his residuary share of the testator's estate. Neville, J., held that he was, relying on the case of *Courtenay v. Williams* (1844) 2 Hare 539, but the Court of Appeal distinguish that case, on the ground that there a legal liability for the debt existed, whereas in the present case, at no time was there any legal liability on the part of James Bruce to pay the debt in question.

APPLICATION—FATHER OF ILLEGITIMATE CHILD—BASTARDY ORDER
—LIABILITY OF PUTATIVE FATHER FOR NECESSARIES—DEATH
OF PUTATIVE FATHER—ENFORCING ORDER—BASTARDY LAWS
AMENDMENT ACT 1872 (35-36 VICT. C. 65) s. 4—(R.S.O.
c. 169, s. 1.)

In re Harrington, Wilder v. Turner (1908) 2 Ch. 687. An order had been made under 35-36 Vict. c. 65, above referred to, for the payment by the putative father of a weekly sum for the support of his illegitimate child, until the child should attain the age of 16 or die. The father had subsequently died, and, at the time of his death, there were arrears amounting to £37, and the payments which would accrue from his death until the child would attain 16, amounted to £119, 4s., for which two sums the mother, to whom they were payable, claimed, to prove against the estate of the deceased, but Warrington, J., held that such