

personal estate, and that the charge of the debt on Blackacre is not any indication of "any general, contrary or other intention" within the meaning of the Act 17 & 18 Vict. c. 113, s. 1 (R.S.O. c. 123, s. 37(1)).

WILL—MIXED FUND—IMPLIED CHARGE OF LEGACIES—EXPRESS CHARGE OF DEBTS—LIMITATION ACT, 1623 (21 Jac. I. c. 16) s. 2—(R.S.O. c. 324, s. 38)—REAL PROPERTY LIMITATION ACT, 1874 (37-38 VICT. c. 57) s. 8—(R.S.O. c. 133, s. 23.)

In re Balls, Trewby v. Balls (1909) 1 Ch. 791. By the will in question in this case, the testator devised and bequeathed "all the real and personal estate to which at my death I shall be entitled" to his trustees, upon trust to pay "my debts and funeral and testamentary expenses" and to hold the residue thereof in trust for certain residuary legatees. He then bequeathed certain pecuniary legacies. The testator died in 1901 and his only asset was a reversionary share of real estate which fell into possession in 1905 and was sold in 1908, the debts and legacies being still unpaid. It will be observed that the will contained no express charge of the legacies on the real estate. Eady, J., was called on to decide two questions: (1) were the debts barred by the statute 21 Jac. I. c. 16 (R.S.O. c. 123, s. 23), or, being charged on the real estate, did the Real Property Limitation Act apply? (2) were the legacies impliedly charged on the realty? As to the first question he held that the debts being charged on the realty the Real Property Limitation Act applied and the limitation therein mentioned not having expired they were recoverable out of the land, notwithstanding 21 Jac. I. c. 16. And as to the second point he held that the gift of "all the real and personal estate" though not expressed to be "the rest and residue," was obviously intended to be the residue and that therefore the legacies were impliedly charged on the estate which constituted a mixed fund.

WILL—ILLEGITIMATE CHILDREN—CLASS GIFT—MOTHER OF ILLEGITIMATE CHILDREN PAST CHILD BEARING.

In re Eve, Edwards v. Burns (1909) 1 Ch. 796. Notwithstanding the law's unwillingness to recognize the status of children born out of lawful wedlock, cases do arise where it is found necessary to admit, that persons though not lawful children, are nevertheless entitled to take under a devise to children. The present case is an illustration. Priscilla Eve, by her will