

that behalf, the parochial authorities served notice requiring the drains on the premises to be reconstructed; by arrangement between the plaintiff and defendant the works were carried out by the plaintiff at an expense of £143 without prejudice to the rights of either party. Byrne, J. following *Brett v. Rogers* (1897) 1 Q.B. 525 (noted ante vol. 33 p. 424), held that the tenant was liable, and his decision was affirmed by the Court of Appeal (Lindley, M.R., Jeune, P.P.D. and Romer, L.J.) The word "duties" appears to have been the crucial word, and was held to be wider in its effect than "impositions," which in *Tidswell v. Whitworth*, L.R. 2 C.P. 326, was held not to cover claims of the kind in question in the present case.

CHARGE ON LAND—EXPRESS TRUST—TWO SUMS SECURED BY SAME TERM—
STATUTE OF LIMITATIONS—REAL PROPERTY LIMITATION ACT, 1874 (37 & 38
VICT. C. 57), SS. 8, 10—(R.S.O. C. 133, SS. 23, 24)—POWER OF APPOINTMENT
—EXERCISE OF POWER BY GENERAL BEQUEST, EFFECT OF—WILLS ACT, 1837
(7 W. 4 & 1 VICT. C. 26), s. 27—(R.S.O. C. 128, s. 29.)

In *Williams v. Williams* (1900) 1 Ch. 152, two questions are involved, the first as to the effect of the Statute of Limitations (37 & 38 Vict. c. 37, ss. 8-10 on the right to recover moneys secured upon land by a term vested in trustees, under a settlement; and the second as to the effect of the exercise of a power of appointment by general bequest upon the fund appointed. As regards the first point, the facts were briefly as follows:—By a settlement, an estate was conveyed to trustees for a term of 500 years upon trust to raise £2,000 on the death of Anne Hartley, and £2,000 on the death of Griffith Williams. Griffith Williams died in 1860 and no proceedings were taken to raise the money until the present action, which was commenced in 1898. Anne Hartley died in 1886 and this action was commenced within 12 years of her death. It was contended that the trust to raise these sums was not an express trust and therefore the £2,000 raisable on Williams' death was not affected by the Real Property Limitation Act, s. 10, (R.S.O. c. 133, s. 24), and it was also contended that as the action was brought in time as to the £2,000 raisable on Anne Hartley's death the trustees were entitled to possession for the purpose of raising that sum, and, being in possession, they might then raise the other £2,000 also. But North, J. overruled both these contentions and held that the money was payable under an "express trust" within the meaning of s. 10, and therefore as to the