

because at the death of the testator none of the children of the son had attained twenty-five. "All the children then living might have died without attaining twenty-five, so that it might have happened that the class to take was not ascertained until after the expiration of a life or lives in being and twenty-one years afterwards, that is, beyond the limit allowed by the rule against perpetuities."

ADMINISTRATION.—DEBT OWED TO ESTATE BY BENEFICIARY BARRED BY STATUTE OF LIMITATIONS.—DEBTS OWING BY BENEFICIARIES, WHEN TO BE BROUGHT INTO ACCOUNT.—SPECIFIC GIFTS.

*In re Akerman, Akerman v. Akerman* (1891), 3 Ch. 212, a testator gave shares of his residuary real and personal estate to three of his sons. The sons owed the testator's estate for moneys advanced by the testator to them in his lifetime, but the right of action for the debt was barred by the Statute of Limitations. The point Kekewich, J., was called on to decide was whether in making the division of the residue these debts were to be brought into account as against the respective shares of the debtors, and he determined that they must, together with 4% interest thereon from the testator's death. Another point was also raised as to certain specific devises and bequests of freehold and leasehold estates to the three sons, and he held that they were respectively entitled to their specific gifts without first making good what, if anything, was due in respect of their indebtedness to the testator's estate.

STATUTORY RIGHT TO COMMIT DAMAGE.—COMPENSATION.—FAILURE OF SPECIAL STATUTORY TRIBUNAL.—JURISDICTION OF HIGH COURT TO ASSESS COMPENSATION.

*In Bentley v. Manchester, Sheffield & L. Ry. Co* (1891), 3 Ch. 222, the defendants had acquired a statutory right to commit damage to the plaintiff's property. The statute bound the defendants to make compensation for the damage, to be assessed by a tribunal specially constituted; that tribunal had ceased to exist, and the defendants claimed that the plaintiff was without remedy; but Romer, J., held that under such circumstances the High Court has jurisdiction to assess the compensation.

TRUSTEE.—BREACH OF TRUST.—RESIDUARY PERSONAL ESTATE HELD ON TRUST.—STATUTE OF LIMITATIONS.—TRUSTEE ACT, 1888 (51 & 52 VICT., c. 59) s. 8—(54 VICT., c. 19, s. 13 (O.)).

*In re Swain, Swain v. Bringeman* (1891), 3 Ch. 233, is a decision of Romer, J., under the Trustee Act, 1888, s. 8, the provisions of which were adopted in Ontario at the last session (54 VICT., c. 19, s. 13 (O.)). The action was brought by a *cestui que trust* under a will of a testator who died in 1872 against a surviving executor and trustee for a breach of trust, and to compel him to make good an alleged loss of £1800 occasioned thereby. Under the will the trustees and executors were directed to realize the residuary personalty, and pay the income, with the rents of the realty, to the testator's widow during widowhood, she maintaining and educating her family. The real estate was devised to them in trust to sell when the youngest son attained twenty-one, and a specified sum was then directed to be invested for the widow and the income paid to her during life or widowhood, and on her death or marriage the sum so to be invested was to be divided