

say, is not stated (probably Smith, M.R., and Williams, L.J.). It was argued in the Court of Appeal that the word "assigns" imported a power of appointment in favour of the surviving son, but the Court of Appeal refused to accede to that contention, and held that the limitation in favour of the heirs and assigns of the survivor, must be construed as a limitation to the heirs of the survivor, and the assigns of such heirs. Under the Torrens system of registration, the will would have been authoritatively considered before the purchaser had paid his money. The beauty of the common law system is that it leaves the purchaser to take his chances, and, after perhaps living for years in a fool's paradise, he is suddenly waked up to find that he has purchased a shadow.

EXPROPRIATION OF LAND—NOTICE TO TREAT—ACQUISITION OF INTEREST IN OTHER LAND INJURIOUSLY AFFECTED—COMPENSATION.

In *Mercer v. Liverpool, St. Helen's, and S. L. R.W. Co.* (1901) 2 K.B. 753, it was held by Lord Alverstone, C.J., that although it is well settled that after a notice to treat has been served with the view to the expropriation of land under the Land Clauses Act, interests subsequently created in such land are not the subject of compensation, yet that rule does not preclude a person subsequently acquiring an interest in lands adjoining those which are the subject of the notice to treat, and which are injuriously affected, from recovering compensation in respect of the injury to such adjoining lands.

ADMINISTRATION—TRANSFER OF LAND BY EXECUTOR TO DEVISEE—PURCHASER FROM DEVISEE—DEBTS OF TESTATOR—LIABILITY OF PERSONAL REPRESENTATIVE FOR UNKNOWN DEBTS—LAND TRANSFER ACT, 1897 (60 & 61 VICT., c. 65), s. 2, s.-ss. 2-3; s. 3, s.-s. 1—(R.S.O. c. 127, s. 4)—LAW OF PROPERTY AMENDMENT ACT, 1859 (22 & 23 VICT., c. 35), s. 29—(R.S.O. c. 129, s. 38).

In re Cary and Lott (1901) 2 Ch. 463, is an important decision under the English Land Transfer Act, 1897, which introduced similar provisions to those contained in the Ontario Devolution of Estates Act (R.S.O. c. 127, s. 4). A testator had died in 1898, having by his will devised the land in question upon certain trusts. His executors duly advertised for creditors under the provisions of the Law of Property Amendment Act, 1859, s. 29 (see R.S.O. c. 129, s. 38), and paid all debts of which they had notice, and, after the lapse of a year from the testator's death, conveyed the land in question to the devisees in trust named in the will. The executors