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NOTES.

COVENANTS RUNNING WITH THE LAND.—A covenant running with the land creates personal rights and obligations in those not parties to the contract, and it is, therefore, not surprising that the courts have differed in their interpretation of these agreements. It was resolved in *Spencer's Case*¹ that such covenants must touch and concern the land, but this statement of the law was too vague to lay down any final test, with the result that the courts, in explaining and qualifying this resolution, have enunciated numerous conflicting rules.² The modern conception of a covenant touching and concerning the land

¹(1583) 5 Co. 16a.

²See *Bally v. Wells* (1769) 3 Wilson 25; *Vernon v. Smith* (1821) 5 B. & Ald. 1; *Norman v. Wells* (N. Y. 1837) 17 Wend. 136; *Keppel v. Bailey* (1834) 2 M. & K. 517.