

to the carriage of the proceedings, yet that rule is subject to an exception where, as in the present case, such person is a creditor whose claim is bona fide disputed, and that in such a case a creditor whose claim is undisputed is to be preferred.

TRUSTEE—ASSIGNMENT BY CESTUI QUE TRUST—RIGHT OF TRUSTEE TO DEMAND DELIVERY UP OF ASSIGNMENT—PAYMENT TO ASSIGNOR OF CESTUI QUE TRUST.

*In re Palmer, Lancashire & Yorkshire R. I. Co. v. Burke* (1907) 1 Ch. 486. On the distribution of a trust fund by trustees, they claimed that on payment of a share to the assignees of one of the cestuis que trustent, they were entitled to call for the delivery up to them of the assignment, to which the assignees objected. Eady, J., held that this claim of the trustee was not well founded, and that the trustees could not properly make the delivery up of the assignment a condition of payment to the assignees.

TRADE NAME—USE OF APPROPRIATED NAME—INJUNCTION—LEGAL INJURY.

*Society of Accountants v. Goodway* (1907) 1 Ch. 489 was an action to restrain the use of a trade name by the defendants. The plaintiffs were an Association of Accountants, incorporated in 1885. They recommended that their members should adopt as a professional designation the use after their names the term "incorporated accountant," and by 1905, that designation had come to be known to a section of the public as indicating a member of the plaintiff association which by its system of tests and examinations had conferred upon its members the valuable privilege of a recognized status for ability and integrity. In that year the defendant association was incorporated and shortly after its incorporation it recommended its members to adopt the designation of "incorporated accountant" with the addition of the abbreviation "Lon. Assn." The action was brought against Goodman one of the members of the defendant association and that association, claiming an injunction to restrain Goodman from using the addition "incorporated accountant," and also for an injunction against the defendant association from holding out by advertisements or otherwise that its members were entitled to use that designation. Warrington, J., who tried the action held that the words "incorporated accountant" was a fancy name, and not a descriptive term, and had come