

REVIEW OF CURRENT ENGLISH CASES.

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**MORTGAGE—EQUITABLE MORTGAGES—ASSIGNMENT FOR CREDITORS
—REGISTRATION—PRIORITY.**

Jones v. Barker (1909) 1 Ch. 321 was a decision under the Yorkshire Registries Act (47-48 Vict. c. 54), s. 14, which is somewhat similar in effect, to the Ontario Registry Act. On October 3, 1906, one Cooper executed a legal mortgage to a bank of certain which was duly registered. He had previously created an equitable charge in favour of Hotham & Whiting, which was not registered until October 5, 1907. On August 30, 1907, Cooper executed an assignment of all his real and personal estate to a trustee for his creditors, which deed was registered September 11, 1907. There were other equitable charges created by Cooper prior to 1907 which were not registered. In 1908 the bank under its legal mortgage sold the property, and after satisfying their claim a balance remained in their hands. This balance was claimed by the trustee for creditors by virtue of the prior registration of the assignment to him; but Warrington, J., held that all that passed by the assignment was the beneficial interest which remained in the debtor after satisfying all equitable charges erected by him irrespective of whether they were registered or not and therefore the question of priority by registration did not arise.

**TRADE MARK—REGISTRATION—REGISTABLE MARK—USE OF WORD
"ROYAL" AS PART OF TRADE MARK.**

Re Royal Worcester Corset Co. (1909) 1 Ch. 459 was an application made by an American company carrying on business in Worcester, Mass., as manufacturers of corsets to register in England the words "Royal Worcester" as a trade mark for their corsets. Notice of the application was directed to be served on the Worcester Royal Porcelain Co., registered owner of the words "Royal Worcester" as a trade mark in respect of china and pottery and also on the Royal Worcester Trading Co., a private firm, who had acted as the applicants' agents in England for the sale of their goods. Parker, J., who heard the application refused it on the ground that the words were not shewn to be in anyway distinctive of the applicants' goods from those of other persons, that taken alone they would rather suggest the manufacturers of the porcelain company, and did not in any way