

Winding Up Act (1890) is assigned to the Chancery Division, yet nevertheless when it is necessary to apply to stay proceedings in an action in the Q.B.D. the application must be made to that Division, as that was a jurisdiction conferred by the earlier Act of 1862, and since the Judicature Act the proper branch of the Court to apply to to stay proceedings is that in which the proceedings are being carried on.

TRUSTEE—WILL—INVESTMENT—COMPANY INCORPORATED BY ACT OF PARLIAMENT—COMPANY INCORPORATED BY CHARTER GRANTED IN PURSUANCE OF A STATUTE.

In *Elve v. Boyton* (1891), 1 Ch. 501, a testator had empowered the trustees by his will to invest in shares of any company incorporated by Act of Parliament. They invested in the shares of a company which had been incorporated by a charter issued in pursuance of an Act of Parliament, and which company was subsequently by another Act amalgamated with another corporation, whose powers were vested in it; and the question was whether this was an investment authorized by the will. The Court of Appeal (Lindley, Lopes, and Kay, L.JJ.) held that it was, because the company could not have been created by charter with the powers it possessed except by virtue of the Act of Parliament, and therefore the company was a company incorporated by Act of Parliament within the meaning of the will.

MARRIED WOMEN'S PROPERTY ACT, 1882—ESTATE TAIL—ENLARGING BASE FEE—DEED BY MARRIED WOMAN ENLARGING BASE FEE.—R. S. O., c. 132, s. 4, s-s 3: *Ib.*, c. 134, s. 3: *Ib.*, c. 103, s. 3.

In *re Drummond & Davie* (1891), 1 Ch. 524, an interesting question of real property law was discussed by Chitty, J. Two unmarried ladies, being tenants in tail in remainder, executed a disentailing deed which had the effect of converting the estate tail into a base fee, there being a protector of the settlement, and he not having joined in the deed. The ladies married, after the Married Women's Property Act, 1882, and the protector having died they, intending to convert the base fee into a fee simple, executed a further deed in favor of their grantee. This deed was not acknowledged by them before justices of the peace, nor did their husbands concur in it. Upon a subsequent sale of the property it was objected that this deed was invalid, it being contended that the right to enlarge the base fee into a fee simple was not "property" within the meaning of the Married Women's Property Act, 1882, but a mere power, and therefore a married woman had no power to execute a deed enlarging a base fee, except with the formalities required before the passing of that Act. But Chitty, J., was of opinion that this right of completely unfettering the estate which remains in a tenant in tail who has converted the estate tail into a base fee is "real property" within the meaning of the Married Women's Property Act, and was capable of being conveyed by a married woman under that Act as a *feme sole*, and he therefore held the deed to be valid and effectual.

CONFLICT OF LAW—COMPANY—UNPAID CAPITAL—DEBENTURES CHARGING UNPAID CAPITAL—SCOTCH JUDICIAL PROCESS CHARGING UNPAID CALLS—NOTICE—PRIORITIES.

In *re Queensland Mercantile & Agency Co.* (1891), 1 Ch. 536, a question of priority arose in a winding-up proceeding, as between rival claimants on the unpaid