

for the benefit of his creditors. The mortgage under which the mortgagee claimed was a mortgage of business premises and trade machinery and fixtures thereon. The mortgage had not been registered under The Bills of Sale Act; the mortgagee, nevertheless, was about to sell these chattels under his mortgage, and the present action was brought by the assignee for an injunction to restrain him from so doing. Stirling, J., granted an interim injunction, being of opinion that the mortgagee was not entitled to sell the chattels in question either separately or along with the land.

WILL—CONSTRUCTION—IMPLIED CHARGE OF LEGACIES ON RESIDUARY REAL ESTATE—DEBTS, PAYMENT OF—DEFICIENCY OF PERSONAL ESTATE.

*In re Bawden, National Provincial Bank v. Cresswell*, (1894) 1 Ch. 593, Kekewich, J., had to apply the principle laid down in *Greville v. Browne*, 7 H.L.C. 689. A testator, having made certain specific devises and bequests, bequeathed pecuniary legacies, and gave all the real and personal estate, to which at his death he should be entitled, "and not otherwise disposed of," to his executor absolutely. *Greville v. Browne* lays down the rule that when a testator gives pecuniary legacies, and then gives his residuary real and personal estate, the legacies are implied charges on the residuary realty; but it was argued that this rule only applied where there was a gift of residue in terms, or some equivalent expression, and that the expression "all my real and personal estate not otherwise disposed of" was not equivalent. Kekewich, J., however, was clear that the principle applied wherever, in fact, there was a gift of residue, no matter in what terms the gift is expressed. Other questions are decided as to the liabilities of pecuniary legacies and residuary real estate to contribute to the payment of the debts, which, however, it is not necessary further to refer to here, as under R.S.O., c. 108, the realty and personalty in Ontario are both primarily chargeable with the debts of the deceased owner.

TRUSTEE—APPOINTMENT OF NEW TRUSTEE—APPOINTMENT OF NEW TRUSTEE BY WILL—CONVEYANCING AND PROPERTY ACT, 1881 (44 & 45 VICT., c. 41), s. 31—(R.S.O., c. 110, s. 3).

*In re Parker*, (1894) 1 Ch. 707, Kekewich, J., decided that it is not competent for a last surviving trustee to appoint a new trustee to succeed him in the trust by his last will and testament;