

of the Chancery Division, that the cost of administration so far as they have been increased by the administration of realty are to be borne by the realty, is still applicable; and accordingly that the costs of the inquiry as to the heirs at law must be borne by the realty, notwithstanding the direction contained in the will as to the payment of the testamentary expenses out of the personalty.

FRAUDULENT CONVEYANCE—POST NUPTIAL SETTLEMENT—INTENT TO HINDER, DELAY OR DEFAUD CREDITORS—13 ELIZ. c. 5—(R.S.O. c. 354, s. 1)—CHARGING ORDER—JUDGMENTS ACT, 1838 (1 & 2 VICT. c. 110), s. 14—(R.S.O. c. 324, s. 21)—RECEIVER—EQUITABLE EXECUTION—TRUSTEE—COSTS.

*Ideal Bedding Co. v. Holland* (1907) 2 Ch. 157. This was an action to set aside a post nuptial settlement of an equitable reversionary interest in personal estate made by a debtor as being a fraud on his creditors under 13 Eliz. c. 5, (R.S.O. c. 334, s. 1). The settlement was held by Kekewich, J., to be void under the statute because it prevented the creditor from obtaining a charging order under the Judgments Act, 1838 (1 & 2 Vict. c. 110, s. 14,—(R.S.O. c. 324, s. 21); or from obtaining the appointment of a receiver of the fund by way of equitable execution. The trustee of the settlement who had with knowledge of the settlor's destitution prepared the settlement in good faith, and appeared at the trial to defend it, was held entitled to his costs out of the settled property. It appearing that there might be a surplus after payment of creditors, it was held that the settlement ought not to be ordered to be delivered up to be cancelled, but that the trustee should be ordered to concur in all acts necessary to make the property included in the settlement available to satisfy the creditors' claims.

TRADE NAME—COMPANY—SIMILARITY OF NAME—RIGHT OF INDIVIDUAL TO USE HIS OWN NAME—TRANSFER TO COMPANY.

*Fine Cotton Spinners v. Harwood* (1907) 2 Ch. 184 was an action to restrain a defendant company from using the name of Cash as part of its trade name. The defendant company had been organized by a person named Harwood Cash, and the company was called "Harwood Cash Co." Harwood Cash was the son of a man named Cash who had carried on a busi-