

REVIEW OF CURRENT ENGLISH CASES.

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MORTGAGE — DEBENTURE — FLOATING CHARGE — COMPANY RESTRAINED FROM CREATING FURTHER CHARGE IN PRIORITY TO FIRST DEBENTURES — POWER TO DEAL WITH PROPERTY — SUBSEQUENTLY ACQUIRED PROPERTY — SPECIFIC MORTGAGE SUBJECT TO PROVISIONS OF FIRST MORTGAGE — PRIORITY.

In re Stephenson Co., Poole v. The Company (1913) 2 Ch. 201. This was a contest between debenture holders of a company. In 1899 the company issued debentures secured by a trust deed which constituted a specific and floating charge on the company's property, and whereby it was provided that the company, notwithstanding the charge, might deal with its assets but not to create any further charge over its property generally to rank *pari passu* with or in priority or otherwise than in subordination to the security thereby created. Subsequently the company purchased freeholds, and by a further trust deed the company granted to the trustees certain freeholds, including such newly acquired property, by way of trust, to secure a new issue of debentures subject to the provision of the first deed. The second deed also contained a general charge on all the company's assets subject to the first deed. On behalf of the debenture holders secured by this second deed it was contended that the first deed only prohibited a general charge, but not a specific charge, and that as to the property acquired after the first deed the second debenture holders were entitled to priority over the first deed. But Parker, J., held that the security of the second series of debenture holders was as to all of the property included therein subsequent to the first deed, and this decision was affirmed by the Court of Appeal (Cozens-Hardy, M.R., and Farwell and Kennedy, L.JJ.).

STATUTE OF LIMITATIONS — REAL PROPERTY LIMITATION ACT, 1874 (37-38 VICT., C. 57) — LIMITATION ACT, 1623 (21 JAC. I, C. 16) — (STATUTE OF LIMITATIONS (10 EDW., C. 34, ONT.), ss. 20, 49) — DEBTS CHARGED ON LAND — DEBTS PAYABLE OUT OF MIXED FUND — DEBTS WHETHER BARRED AGAINST PERSONAL BUT NOT AGAINST REAL ESTATE.

In re Raggi, Brass v. Young (1913) 2 Ch. 206. The facts in this case were that a testator who died in 1907 by his will devised