

latter had seceded from the main body represented by the plaintiffs and had refused to pay over to the central body the funds of the branch, as required by the rules of the society, and had passed a resolution to distribute the funds amongst the members of the branch. The plaintiff claimed a declaration that this resolution was ultra vires of the branch, and an injunction to restrain the defendants from carrying it into effect, and they also claimed judgment for the payment of the money to the plaintiffs. Eve, J., held that the plaintiffs were entitled to the declaration and to an injunction if necessary, but not to an order to pay over, because in his opinion the jurisdiction of the court was excluded by reason of the Trade Union Act, 1871, s. 4 (3a) (R.S.C. c. 125, s. 4 (i)), which precluded the court from entertaining an action with the object of inter alia providing benefits to members. He therefore made a declaration that the distribution of the funds in accordance with the resolution would be ultra vires, and contrary to the rules of the society, and that the defendants hold the funds upon trust to apply the same in accordance with the rules of the society; and gave leave to apply generally.

PARTITION ACTION—ORDER FOR SALE—CONVERSION OF REALTY—  
DEATH OF PERSON ENTITLED BEFORE SALE—DEVOLUTION OF  
SHARE.

*In re Dodson, Yates v. Morton* (1908) 2 Ch. 638. This was a partition action in which an order for sale had been made, but before it was carried into execution one of the parties interested, and who was sui juris, died intestate, and the question arose whether his share devolved as realty or personalty. Eve, J., held that from the date of the making of the order for sale, a conversion was effected, and thenceforth the estate must be regarded as personalty, and that the share of the deceased accordingly devolved upon his next of kin.

BANKRUPTCY—LANDLORD AND TENANT—DISCLAIMER OF LEASE BY  
TRUSTEE—MORTGAGE BY DEMISE OF PART OF LEASEHOLD—  
VESTING ORDER.

*In re Holmes* (1908) 2 K.B. 812. although a bankruptcy case, calls for a brief notice, inasmuch as it illustrates the remedy provided in England in a case for which none seems to exist under our law in Ontario. The facts were that a bankrupt was entitled