

the defendants' line was not completed within the five years, and the defendants contended that the plaintiffs had no longer power to construct them, and so to do would be ultra vires. Warrington, J., overruled this contention, but on the main point he held that the plaintiffs were not entitled to the relief they asked. The Court of Appeal (Cozens-Hardy, M.R., and Moulton and Farwell, L.JJ.) held that he was right in deciding that the plaintiffs being in possession might properly proceed and complete their railway notwithstanding the expiration of the five years, but they held he was wrong on the main question and that the plaintiffs were entitled to the declaration as prayed.

CONVERSION—REAL ESTATE—INFANT—SALE BY ORDER OF COURT
FOR COSTS—SURPLUS PROCEEDS—REALTY OR PERSONALTY.

In *Burgess v. Booth* (1908) 2 Ch. 648, the Court of Appeal (Cozens-Hardy, M.R., and Moulton and Farwell, L.JJ.) have overruled the decision of Eve, J. (1908) 1 Ch. 880 (noted ante, vol. 44, p. 484). That learned judge held that where an order of court is made for the sale of an infant's estate for the purpose of satisfying costs, the surplus proceeds in the event of the infant owner attaining majority and dying intestate, is to be deemed realty, and as such descended to the heir and not the next of kin. The Court of Appeal held that since *Steed v. Prince*, L.R. 18 Eq. 192, a sale by order of the court works a conversion for all purposes, unless there be a statutory exception: see R.S.O. c. 168, s. 8.

COMPANY—DEBENTURE HOLDER'S ACTION—SUPPOSED DEFICIENT
SECURITY—PRINCIPAL AND INTEREST—PAYMENTS ON ACCOUNT
—APPROPRIATION OF PAYMENTS—ORDER FOR PAYMENT OF
DIVIDENDS—SURPLUS.

In re Calgary & Medicine Hat Land Co., Pigeon v. The Company (1908) 2 Ch. 652. This was an action brought to recover the amount secured by the debentures of a limited company. The trust deed whereby the debentures were secured, provided that the net proceeds of the realization of the securities should be applied first in payment of the interest, and then of the principal due on the debentures. By the judgment in the action the trusts of the deed were ordered to be carried into execution, and the usual accounts were directed. The master certified the amounts due to the debenture holders for principal, but it being supposed that the security was insufficient to realize the full