

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

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TRUSTEE—BREACH OF TRUST—DELAY IN ACCOUNTING—INDEMNIFYING CO-TRUSTEE FOR COSTS—COSTS.

In re Linsley, Cattley v. West (1904) 2 Ch. 785 was an action against trustees for an account; there were two of them, one a solicitor who had the management of the trust; owing to his delay in accounting the action was brought, and on the trial it appeared that all the investments had been called in or made good by the solicitor trustee, and that no loss had been occasioned to the trust estate, and the only question remaining was as to the disposition of the question of costs. The co-trustee of the solicitor claimed that the solicitor trustee should indemnify him against his own costs of the action and also those which he should be called on to pay the plaintiff, the action having been occasioned by his negligence and delay in rendering a proper account, and Warrington, J., so ordered.

FIXTURES—MACHINERY ATTACHED TO FREEHOLD—HIRE-PURCHASE AGREEMENT—MORTGAGEE'S RIGHT TO FIXTURES—OWNER OF MACHINERY—REMOVAL OF TRADE FIXTURES.

Reynolds v. Ashby (1904) A.C. 466. This case, and another to be presently referred to, deal with questions arising on the law of fixtures. In the present case the fixtures consisted of machinery required for the purposes of a factory, which had been supplied on a hire-purchase agreement whereby the vendor was to remain the owner of the machinery until it should be paid for, and was to have a right to enter on the purchaser's premises and resume possession of the machines. The machines were duly fixed to the freehold by being placed on beds of concrete, to which they were secured by bolts and nuts, and it was possible to remove them from such beds of concrete by unscrewing the nuts without injury to the building. The purchaser had previously mortgaged the premises, and the mortgage having fallen into default the mortgagee had taken possession and refused to deliver up the machinery to the vendor thereof, who therefore brought the present action. The Court of Appeal (1903) 1 K.B. 87, noted ante, vol. 39, p. 191, dismissed the action, holding that the machines were annexed to the freehold and passed to the mort-