

tion was made for an attachment of a defendant for disobedience of an order of Court. The defendant was in Court when the order was made, which required him to pay money into Court within a specified time, and initialled one of the briefs of counsel. He had not been personally served with the order. In these circumstances Warrington, J., held that personal service of the order was unnecessary and granted the attachment; but the Court of Appeal (Collins, M.R., and Cozens-Hardy, L.J.) held that the order should have been personally served unless it could have been shewn that the defendant was evading service and for that reason reversed the order of Warrington, J., but it must be noted that Cozens-Hardy, L.J., who delivered the judgment of the Court of Appeal expressly says: "It must not for a moment be understood that any doubt is cast by us upon the result of disobeying an order not to do a thing of which notice can be proved to have reached a defendant. But there is a wide distinction between such an injunction and an order commanding the defendant to do something within a definite time."

ATTACHMENT—CONTEMPT—DISOBEDIENCE OF ORDER TO PAY MONEY—FIDUCIARY CAPACITY—DEBTOR EXECUTOR—DEBTORS' ACT 1869 (32 & 33 VICT. C. 62) s. 4.

*In re Bourne, Davey v. Bourne* (1906) 1 Ch. 697. The defendant was the executor of an estate of which he was also a debtor, he had been ordered to pay the amount of his debt into Court, and, having failed to comply with the order, an application was made under the Debtors' Act 1859, s. 4, for an attachment. The defendant had, since his appointment of executor, means available for payment, but had denuded himself of his property, and filed a petition in bankruptcy, for the purpose of evading payment. Kekewich, J., granted the attachment, and the Court of Appeal (Collins, M.R., and Romer and Cozens-Hardy, L.J.J.) affirmed the order. How far the Courts of Ontario have any similar jurisdiction seems questionable; sed vide *Pritchard v. Pritchard*, 18 Ont. 173.

COMPANY—POWER TO SELL UNDERTAKING FOR SHARES IN ANOTHER COMPANY AND DISTRIBUTE SAME IN SPECIE—SCHEME FOR SALE FOR PARTLY PAID SHARES—ULTRA VIRES.

*Bisgood v. Nile Valley Co.* (1906) 1 Ch. 747 was an action by the shareholders of a company for an injunction to restrain