

N. Micklem for the plaintiff.

Their Lordships dismissed the appeal with costs. On the notice to vary, they said that the trustee did not come within the exceptions to subsection 1 of section 8 of the Trustee Act, 1888, but he had committed a series of breaches of trust. Assuming that the plaintiff could have sued the defendant in equity for an account if there had been no trust, subsection 1, clause A. of the Trustee Act, 1888, if it applied to trustees' accounts at all, put such accounts on the same footing as other accounts, and no claim could be made in respect of matters more than six years old. The action was maintainable in respect of the defendant's receipts since August 9, 1889, and in respect of rents then in his hands which he ought to have accumulated. To ascertain the amount of them it was not necessary to take an account from the death of the testatrix. Such an account might be necessary to show what he ought to have had in August, 1889, but was not necessary to show what, in fact, he then had. If clause A. did not apply, the case was within clause B, and the defendant was protected from demands more than six years old. Section 8 meant, shortly, that, except in three specified cases, a trustee who had committed a breach of trust was entitled to the protection of the Statutes of Limitation as if actions for breach of trust had been enumerated in them. The application to vary the order must be dismissed, with costs, if any, occasioned by the notice, such costs to be set off against those payable by the defendant.

ROWLAND v. MITCHELL.

[L. T. 234; T. 510; S. J. 636; L. J. 414 W. N. 74.]

Is a photograph a "distinctive device" within the definition of what may be registered as a trade mark under the Patents Acts?

It may be, and in this case was held to be, and an injunction was granted to protect the registration. *Re Anderson's Trade Mark* (26 Ch. D. 409) was distinguished.

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SMITH, RE. DAVIDSON v. MYRTLE.

[L. T. 232; L. J. 413; W. N. 74.]

If trustees have power by their trust instrument to invest in the bonds, etc., of any company incorporated by Act of Parliament, can they invest in the bonds of a company incorporated by registration under the Companies Act, 1862?

No, said Kekewich, J., since a company incorporated by Act of Parliament was not the same as a company incorporated under an Act of Parliament.

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BAKER AND WIFE v. AMBROSE.

[JULY 30.—Queen's Bench Division.]

Bill of sale—Affidavit of execution—Commissioner—Grantee's solicitor—Bills of Sale Act, 1878 (41 & 42 V. c. 31), s. 17—Rules of Supreme Court, Order XXXVIII., rule 16).

This was the plaintiff's motion for judgment in an action in which the validity of a bill of sale was in question.

For the plaintiffs (the grantors) the point was taken that the registration of the bill of sale was