

REVIEW OF CURRENT ENGLISH CASES.

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VESTING ORDER—INFANT—STOCK IN NAME OF INFANT AND ANOTHER TO WHICH INFANT IS ENTITLED—TRUSTEE ACT, 1893 (56-57 VICT. c. 53), s. 35—(R.S.O. 336, s. 15).

In re De Haynin (1910) 1 Ch. 223. In this case, stock to which an infant was beneficially entitled, was standing in the joint names of himself and another person, who was subsequently appointed his guardian, but had been superseded. Another guardian had been appointed for the infant, and an application was now made on the part of the infant and such guardian under the Trustee Act, 1893, s. 35, (R.S.O. c. 336, s. 15), for an order vesting the right to transfer the stock into the name of the present guardian, she undertaking to pay the money into court. Joyce, J., owing to some variation in the wording of the Act of 1893, and the Trustee Act of 1852, thought there was no power to make the order; but the Court of Appeal (Cozens-Hardy, M.R., and Moulton and Farwell, L.J.J.) considered that the case came within the Act of 1893, and made the order on the above undertaking as to bringing the money into court.

FUND IN COURT—TRUSTEE BENEFICIARY—EQUITIES AS BETWEEN TRUSTEE, BENEFICIARY AND OTHER BENEFICIARIES—DISTRIBUTION OF FUND IN COURT—ADJUSTMENT OF RIGHTS OF BENEFICIARIES INTER SE.

In re Rhodesia Goldfields, Partridge v. Rhodesia Goldfields (1910) 1 Ch. 239. This was a debenture-holder's action, and short point decided therein by Eady, J., is that when there is a trust fund in court, a trustee beneficiary against whom proceedings are pending to recover money alleged to belong to the trust fund, is not entitled to receive any share of the fund in court until the amount (if any) due from him to the trust fund shall have been ascertained and made good.

TRADE MARK—PASSING OFF GOODS AS THOSE OF PLAINTIFF—PARTIES—INJUNCTION.

Warwick Tyre Co. v. New Motor & G.R. Co. (1910) 1 Ch. 248. This was an action to restrain the defendants from using the name of "Warwick," as applied to tires for motor cars, the