

p. 300, in which the Court of Appeal (Lord Halsbury, L.C., Smith and Rigby, L.JJ.) have resolved that the surplus assets of a friendly society, which has become defunct by reason of the death of all its members, are not the subject of a resulting trust in favor of the legal personal representatives of the deceased members of the society, as Chitty, J., had held; and which, as we formerly pointed out, would probably have resulted in the whole fund being consumed in costs, in the effort to find out who were the several parties entitled to participate,—but that they are *bona vacantia*, and as such pass to the Crown. (See *In re Buck, Bruty v. Mckey*, *post* p. 757.)

MARRIED WOMAN.—RESTRAINT ON ANTICIPATION.—SEPARATE USE.—MARRIED WOMEN'S PROPERTY ACT, 1882 (45 & 46 VICT., ch. 75)—R.S.O., ch. 132, sec. 20.

*In re Lumley*, (1896) 2 Ch. 690, is another decision on a point of married women's property law due to the indefatigable pertinacity of our old friend, Mr. Hood Barrs. In the present case he appealed from an order of North, J., refusing to appoint a receiver by way of equitable execution, of the rents and profits of certain real estates of a Mrs. Cathcart, against whom he had obtained orders for the payment of costs. The estates in question had, by an ante-nuptial settlement, made in 1887, been limited to the use of Mrs. Cathcart in fee until the marriage, and thereafter to her use during her life, "without impeachment of waste, and without power of anticipation." The orders sought to be thus enforced were dated respectively, Nov. 4th, 1893; Dec. 9th, 1893; June 27th, 1894, and Aug. 2nd, 1894. The rents of which a receiver was sought accrued due March 25th, 1896. It was contended that as the property was not limited to the separate use of Mrs. Cathcart, the restraint on anticipation was invalid, but the Court of Appeal (Lindley and Lopes, L.JJ.) upheld the order of North, J., being of opinion that a restraint against anticipation may be validly made in respect of property which, though not expressly settled to the separate use of a married woman, nevertheless becomes her separate estate under the Married Women's Property Act, 1882, (R.S.O., ch. 132).