

REVIEW OF CURRENT ENGLISH CASES.

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COMPANY—MEETING—POLL—PROXIES TO BE LODGED 48 HOURS BEFORE MEETING “OR ADJOURNED MEETING”—POLL FIXED FOR FUTURE DAY—NO ADJOURNMENT OF MEETING.

Shaw v. Taati (1913) 1 Ch. 292. At a general meeting of a company a poll was appointed to be held at a future day, but no adjournment of the meeting to that time took place. By the articles proxies might be lodged 48 hours before a meeting or “adjourned meeting.” The question in the case was whether proxies lodged in the interim 48 hours before the poll were valid. Eady, J., held they were not and that the mere postponement of the poll was not an adjournment ad hoc of the meeting, within the meaning of the articles, but that the original meeting continued for the purpose of the poll and no fresh proxies could be lodged in the interval.

FORFEITURE—WILL—CONSTRUCTION—DETERMINABLE LIFE INTEREST—RECEIVING ORDER—DISCHARGE OF RECEIVING ORDER.

In re Lye, Turnbull v. Lye (1913) 1 Ch. 298. The question in this case was whether or not a forfeiture had taken place. By a will property was given in trust for a son of the testator “until he should die or have his affairs liquidated by arrangement or composition” or do or suffer anything whereby the income, or part thereof, would, if belonging absolutely to him, “become payable to some other person.” A receiving order in bankruptcy was made against the son 9th December, 1910, but his creditors having accepted a scheme for payment of their debts in full on 24th February, 1911, the receiving order was discharged.—The trustees alleging that on 3rd January, 1911, income had become due, applied to the court to determine whether in the circumstances a forfeiture had taken place, and Eve, J., decided that if income had in fact become payable while the receiving order was in force, a forfeiture had taken place; but he did not decide whether if no income had become payable while the receiving order was in force, the same result would follow. An inquiry was therefore directed, if desired.