form," and he adds, "But this conclusion was not arrived at without a considerable struggle," and turning to the judgment of Lindley, J., in *In re Williams*, supra, from which the above is quoted, we find that that learned judge adds, "The more modern authorities from *Lambe* v. *Eames*, L.R. 6 Ch. 597, to *In re Hamilton* (1905) 2 Ch. 370, shew how strong the tendency now is to recognize this sensible rule." Again we find Romer, J., in *In re Williams, Williams* v. *Williams*, supra, at p. 14, using the following words: "I do not think the authorities are of very much use in considering this particular will—certainly not the old authorities, for I think that at last the Courts have laid down a general rule according to which questions of this kind ought to be considered. As stated in the head note to *In re Hamilton* (1895) 2 Ch. 370, the rule you have to observe is simply this, "In considering whether a precatory trust is attached to any legacy the Court will be guided by the intention of the testator apparent in the will, and not by any particular words in which the wishes of the testator are expressed. In other words the Courts now are not so fettered by the older authorities as they might otherwise have been, and are at liberty to carry out the wishes of the testator when they have ascertained them from the words as actually used in the will."

Lindley, L.J., in the same case says, "Moreover in some of the older cases obligations were inferred from language which in modern times would be thought insufficient to justify such an inference."

3. Statement of the old and modern doctrines.

The result of an analysis of the cases seems to be that the earliest decisions on the subject were rather of a negative character merely holding that words expressing confidence such as "hoping," or "not doubting" are not to be construed as creating a trust where there is any uncertainty either as to the objects (*Harland* v. *Trigg* (1782) 1 B.C., c. 142), or the subject (*Wynne* v. *Hawkins* (1782) 1 B.C., c. 179) of the gift. Later the doctrine assumed a somewhat more advanced character, the converse of the above proposition having received distinct judicial sanction,