parties, the sale was binding on him; and a bill impeaching it was dismissed with costs. [*Draper*, C. J., and *Spragge*, C., dissenting.]

McDonald v. McKay, 98.

TITLE.

[QUESTION OF.]

See "Vendor and Purchaser," 3.

[SHEWING GOOD.]

See "Vendor and Purchaser," 4, 5.

TRUE COPY.

See "Chattel Mortgage," 3.

TRUSTEE TO SELL.

See "Sale, Trustee for."

TRUST, TRUSTEE, AND CESTUI QUE TRUST.

1. Where a trustee is authorized to invest in either of two specified modes, and by mistake invests in neither, the measure of his liability is the loss arising from his not having invested in the less beneficial of the authorized modes.

Paterson v. Lailey, 13.

2. Two years before the passing of the Act relaxing the usury laws (22 Vic. ch. 85), a trustee who was authorized to invest on mortgage or in government securities, made an investment in Upper Canada Bank stock, under the impression that such an investment was within his authority; the stock ultimately turned out worthless; and the trustee submitted to account for the principal with compound interest, at six per cent.:

Held, that this was the extent of his liability, though eight per cent. might have peen obtained on mortgages. *Ib.*

3. The insolvency of a trustee, or his leaving the country in debt to reside in a foreign country, is a sufficient ground to remove him from the trust.

Gray v. Hatch, 72.

4. By virtue of a will *A.* had a life interest in certain lands, with remainder to the plaintiff in fee. The land was afterwards sold at sheriff's sale under circumstances which made