language not amounting necessarily and in its prima facie meaning to an imperative trust."

With all possible deference to the learned justice we venture to think this criticism is scarcely warranted. Nobody, we take it, imagines for a moment that, once the existence of a trust is established, it can be a matter of any moment whether it is created by words precatory or words imperative. A trust is of course a trust: and its essence and attributes are identical quite irrespective of its mode of creation. The learned justice treats the matter as though the expression "precatory trust" were intended to indicate a trust of a nature different in some respects from an ordinary trust, but we do not understand that to be the case. As we understand the matter the word "precatory," as applied to trusts, refers to the manner of their creation. "Precatory words" are defined to be "words in a will praying or recommending that a thing be done" and a precatory trust is a trust created by words of that nature. In that view of it the expression seems to be entirely appropriate as well as convenient.

2. A notable instance of revolution in the current of decision—Cases indicating the change.

The subject is one which has from time to time largely engaged the attention of the Courts, and is of peculiar interest, quite apart from its practical importance, as furnishing a notable illustration of that class of cases in which a gradual departure from early principles is distinctly traceable in the series of reported decisions. The present doctrine is the outcome of a gradual process of evolution, a striking instance of what has been aptly termed "judicial legislation." The change in the current of authority upon the subject may be readily observed in such cases as *Lambe* v. *Eames* (1871) L.R., 6 Ch. 597; *In re Hutchinson* and *Tenant* (1878), 8 Ch. D. 540; *In re Adams* and *Kensington Vestry* (1884), 27 Ch. D. 394; *In re Diggles* (1888) 39 Ch. D. 253. 1 Jarman on Wills, 4th ed., c. 12, p. 385, et seq. (And see the series of cases cited in foot note(*b*) infra). This change is quite frankly recognized by the judges,