
ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

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STATUTE OF FRAUDS—SECRET TRUST—PURCHASE AS TRUSTEE—PAROL EVIDENCE OF TRUST—EXPRESS TRUST—STATUTE OF LIMITATIONS—BANKRUPTCY OF TRUSTEE—LACHES.

Rochefoucauld v. Boustead (1897), 1 Ch. 196, is an important case, more especially because it may be said to give the quietus to *Bartlett v. Pickersgill*, 1 Eden 515, which for some time past has been regarded as doubtful authority, although not definitely overruled. The action was brought by the plaintiffs claiming to be cestui que trust, against the defendant claimed to be her trustee, and the object of the suit was to compel the defendant to account as trustee in respect of certain estates in Ceylon, in which the plaintiff had been interested as mortgagor, and which by arrangement between the plaintiff and defendant it was alleged the defendant had purchased from the mortgagees upon a secret trust for the plaintiff, subject to a lien in the defendant's favor for all moneys advanced by him for the purchase or subsequent working of the estates. The defendant claimed that he was the beneficial owner; that the trust alleged was not in writing, and he relied on the Statute of Frauds as a defence; that the plaintiff's claim was bound by the Statute of Limitations or by the defendant's bankruptcy, and by the laches of the plaintiff. The plaintiff, in order to prove the trust, relied on letters of the defendant and the parol evidence of the plaintiff and others, as affording evidence of its existence, and one of the principal questions argued was whether under *Bartlett v. Pickersgill* this parol evidence was admissible, and the Court of Appeal (Lord Halsbury, L.C., and Lindley and Smith, L.JJ.), came to the conclusion that that case was inconsistent with the later modern decisions, and was no longer law; that the statute does not prevent proof of a fraud, and that it is a fraud when land is conveyed to a person as trustee, and who knows it was so conveyed, to deny the trust,