TRUSTEE AND CESTUI QUE TRUST—ADMINISTRATION—OVER-PAYMENT BY TRUSTEE—ADJUSTMENT—TRUSTEE ALSO A BENEFICIARY—RIGHT TO IMPOUND MONEYS COMING TO CESTUIS QUE TRUST TO RECOUP OVER-PAYMENT.

In re Horne, Wilson v. *Cox* (1905) 1 Ch. 76. In the administration of a trust estate one of the trustees, who was himself a beneficiary, had, in distributing the income of the trust estate among the other beneficiary tenants for life, paid them £182 6s. 8d. more than their proper proportion. This trustee having died, his executors applied to the surviving trustee to recoup the amounts thus overpaid by the deceased trustee, whereupon application was made to the Court to determine the question whether he ought to pay or allow to the executors the over-payment, and, if so, whether out of capital or income. Warrington, J., considered that if the deceased had not been a trustee, but merely a beneficiary, his representatives would have been entitled to have had the over-payments adjusted and recouped out of the growing payments due to those who had been overpaid; but that a trustee who had himself made the over-payment had no right to any such relief.

WILL—CONSTRUCTION—ANNUITY—CHARGE ON LAND—SPECIFIC DEVISE—ESTATE DUTY.

In re Trenchard, Trenchard v. *Trenchard* (1905) 1 Ch. 82. A testator gave his wife during widowhood an annuity of £500 which he declared to be a first charge on all his freehold properties at Greenwich. He gave various legacies and then devised and bequeathed all the residue of his real and personal estate upon trust for sale and conversion, etc. For the purpose of determining the incidence of he estate duty payable on the annuity of £500 it became necessary to decide the legal effect of the gift of the annuity to the widow, the other beneficiaries claiming that it was in effect the gift of a rent charge payable out of the Greenwich properties. Warrington, J., however, decided that it was a mere personal annuity, secured by a charge on the Greenwich property, and that the estate duty on the annuity was a testamentary expense.

LUNATIC SO FOUND—LUCID INTERVAL—DEED MADE DURING LUCID INTERVAL BY LUNATIC SO FOUND.

In re Walker (1905) 1 Ch. 160. A lunatic so found by inquisition, had during an alleged lucid interval made a deed poll purporting to dispose of part of his property, the inquisition not having been superseded; and the question was, whether this