

is less² justifiable than our cestui que trust, since it represents *qi estate il ad*, 'whose (not which) estate he has.' "

In answer to a letter suggesting that cestui que trust was a justifiable phrase made up by analogy to cestui que use and cestui que vie, Professor Maitland wrote as follows: "(1) The remark that cestui que trust is worse than 'prescription in a que estate' was perhaps unfortunate. I suspect, however, that cestui que trust was not made until people were regarding as verbs the use and the vie in the two older terms that you cite. I feel pretty sure that the clerks of 'my time'—let us say circ. 1350—would not have written either cestui que vie or cestui que use. They would have written cestui a qui oes le feffement fut fait, cestui pour qui vie le dit X tient, and the like. I have here on my table photographs from seven MSS. additional to those that I previously examined, and I can repeat now with greater certainty that circ. 1350 the 'indirect object case' is usually *qui*. One may find *que heir il est*, as one may find almost anything; but it is not usual.

"By the time that 'uses' are becoming prominent the language has fallen to a considerably lower level than that represented by my introduction. I suspect a gradual descent from cestui a qui oes (*la terre est tenue*, or the like) to cestui que use, but I fancy that by the time that men have fashioned the latter phrase they are beginning to think of *que* as the subject of a verb. The gradual substitution of use for oes (*opus*) shews that the language is already in a bad way. Is it not also to be remembered that the early feoffments to uses are generally feoffments to the use of the feoffor? I think one might say that in the first stage of the development the cestui que trust is a trustor who has placed trust in a feoffee; he is author of the trust as well as sole beneficiary. This makes further confusion possible."

The other two paragraphs of Professor Maitland's letter relate to different questions, also discussed in his introduction. As everything from his pen is of interest, no apology is required for printing them here.

2. This is obviously a *lapsus calami*; "less" should be "more."