

as Mr. Justice Magee says (p. 544) "were not calculated to suggest that he stood in a fiduciary relation to any other person."

Here the exact opposite is the case. The words "T, in trust" indicate clearly that T is a trustee only, and there is nothing whatever to indicate the beneficiary or the nature of the trust.

The obligation to enquire therefore which in the Duggan case was held to be satisfied, is here wholly unsatisfied.

Mr. Justice Kelly in the case of *Re Thompson and Beer* (1919), 17 O.W.N. 4, in which the circumstances are precisely similar to the present case, delivered what seems to us to be a very admirable judgment in the following words, "The use of the word 'trustee' after her name, in the conveyance to her, was notice to subsequent purchasers that she took in the capacity of trustee. A purchaser is entitled to proof of the nature and extent of the trusts on which she took, and who are the cestuis que trust or persons otherwise interested, and whether these trusts include a power to sell either by herself or with the consent of others or otherwise; and, if the terms of the trust confer a power of sale, he may insist on proof that it is properly exercised."

Mr. Justice Magee, at p. 542, has very aptly pointed out the dangers which may attend a dubious title of this character, "All this would be quite consistent with the existence of a very simple trust giving rise to no occasion for claim or question during the life of someone yet living—so that the absence of claim affords no assurance of the non-existence of a very substantial right. On the other hand, of course, the trust, if any, may have been a trust to sell."

It is of course obvious that at the time the deed was made there must have been someone interested as cestui que trust in the land—possibly more than one. If after this title has been forced upon the present purchaser, one or more of these persons should see fit to endeavour to enforce their rights by an action, the purchaser would of course be put to the trouble and expense of defending his title. If such a thing should occur, it would seem rather