

French, and was probably introduced in the seventeenth century. It is obviously coined after the pattern of *cestui que use*, and when we come to *cestui que use* we are on sure ground so far as plurals are concerned, for it is familiar knowledge that *use* is derived from the Norman-French *oes*, which in its turn comes from the Latin *opus*, meaning "benefit"; thus in Britton (34a) the King orders an inquiry to be made as to the moneys which his officers have received a *noster oes*, "for our benefit," and the statute 15 Rich. II. c. 5 contains provisions designed to prevent land being held *al oeps de gentz de religion*, or *al oeps des gildes & fraternitees*. That *oes* or *use* in these passages means "benefit"¹ and not "use" in the sense of employment or user, is clear from a case cited by Littleton (s. 383), where an executor took the profits of his testator's lands to his own use, instead of applying them, as he ought to have done, to the use of the dead (al use le mort) by distributing the money for his soul.

Cestui que use, therefore, means "he for whose benefit," and *cestui que trust* means "he upon trust for whom" certain property is held.

Que is frequently used in law French in the same sense of "whose"; thus Blackstone says (Comm. ii. 264), "All prescription must be either in a man and his ancestors, or in a man and those whose estate he hath; which last is called prescribing in a *que* estate." So the phrase *cestui que vie* means "he for whose life," not "he who lives." It seems, however, that the word was originally spelled *qui*, for in his admirable introduction to the Year Books published by the Selden Society, the late Professor Maitland remarked (vol. i., p. xlviii): "The *qui* that is the case of the indirect object, the *qui* (formerly *cui*) that is doing the work of the Latin *cuius* and the Latin *cui* (as in the common phrase *qi heir il est*, 'whose heir he is'), does not so readily degenerate into *que*. Our phrase 'to prescribe in a *que* estate'

¹ It occurs in the same sense at least as early as the *Chanson de Roland*, where there are several examples.—F.P.