

LAW STUDENTS' DEPARTMENT—REVIEWS—CORRESPONDENCE.

benefit on some other person or persons ; then if there is certainty of the subject matter referred to in these precatory words, certainty of the objects of the testator's wishes, and certainty of the interests they are to take, a trust is created in their favour, and this trust is called a precatory trust.

Example.—A testator bequeaths certain property to his wife, heartily beseeching her at her death to divide it equally amongst their children. This gives rise to a trust for the children after the wife's death.

(4.) When a trustee seeks to appropriate for his own use any money or property which ought to be added to the trust property, he will be held a constructive trustee of it for the beneficiaries.

Also a person buying trust property with notice that the sale to him is a breach of trust, may be declared a constructive trustee of the property.

Example.—A trustee of leaseholds, which are expiring, procures a new lease of them to be granted to himself. He will be held to be a constructive trustee of such new lease.

(5.) A trust created by a settlor without any valuable consideration being in any way given for it, is a voluntary trust.

Example.—A legacy of £1,000 bequeathed to a married woman, is paid to her husband by her direction. He then, of his own accord, executes a settlement of it on his wife and children. This is a voluntary trust. (Snell, Pt. 2, cc. 1—5.)

Q.—9. Can a trustee of an estate ever, and, if so, under what circumstances, and how, acquire a good title as purchaser of it?

Draw any distinctions which may be material with reference (a) to the nature of the trust ; or (b) to the position of the beneficiaries.

Explain the position of a trustee who has bought the trust estate without acquiring a good title.

A.—(1.) If the beneficiaries are all in existence, and *sui juris*, and they consent to the sale, and the trustee gives them all possible information, and pays a fair price for the property.

(2.) If the trustee is willing to give a better price than anybody else, the Court may authorise him to purchase the property, although the beneficiaries are not all *sui juris*.

The rule is that a trustee cannot buy on a sale by himself. He may buy on a sale by the beneficiaries ; or on a sale by the Court in the manner above mentioned. Moreover, if he is only a trustee for some collateral purpose, and not trustee for sale, the rule does not apply (Lewin, c. 18, s. 3).

A trustee, who has bought the estate without acquiring a good title may be called upon to reconvey the estate and account for the rents and profits of it, on payment of his purchase-money with interest at 4 per cent., and any monies laid out by him upon the property.

REVIEWS.

A COLLECTION OF LATIN MAXIMS, literally translated, intended for the use of students for all legal examinations. London: Stevens & Haynes, 1881.

Maxims have been since the world began, and doubtless will last as long. They are cores round which cluster appropriate knowledge and kindred thoughts. They are liable to abuse, of course, and often used to hide ignorance under a semblance of wisdom, and when quoted in their Latin form, are sometimes used as "a means for those who know very little Latin to show that they know some." The collection before us is not pretentious and disarms criticism by its simplicity and general correctness. Students would do well, early in their studies, to commit these maxims to memory, and subsequent reading will often be systematized and more easily remembered.

CORRESPONDENCE.

Uncertified Legal Practitioners.

To the Editor of the CANADA LAW JOURNAL.—

SIR,—As one of the profession, who suffers most severely through the competition of uncertified legal practitioners, I anxiously scanned