No doubt the leaning of the Courts is now against construing precatory words as creating trusts, but that is a very different matter. Indeed, language being infinitely various, and the principle of decision being to discover from the language used what was the meaning and intention of the testator, it is difficult to see how precatory trusts could be abolished, without an entire abrogation of the present principle of decision. Touching upon this subject in his judgment in *In re Williams, Williams* v. *Williams*, supra, at p. 18, Lindley, L.J., says: "It would however be an entire mistake, to suppose that the old doctrine of precatory trusts is abolished. Trusts, *i.e.*, equitable obligations to deal with property in a particular way, can be imposed by any language which is clear enough to shew an intention to impose them." And A. L. Smith, L.J., in S.C., at p. 27 says, "I do not say that a precatory or implied trust may not still be created and exist, for I apprehend it may."

5. Ontario cases in harmony with English.

The decisions in our own Courts have not differed from the general trend of the English cases (*Nelles* v. *Elliot*, 25 Gr. 329; *Bank of Montreal* v. *Bower*, 17 O.R. 548; 18 OR. 226).

6. Difficulty of subject—A question of intention—Discussion of principle of decision.

One cannot help being struck, in reviewing the cases on this subject, with the frequency with which eminent judges have found themselves compelled to differ in their decisions. This is noticeable from the early case of *Meredith* v. *Heneage* (1824) 1 Sim. 542, 10 Price 230 (where Richards, C.B. and Garrow, B., held that no obligation was imposed upon the devisee while Graham and Wood, B.B., held the reverse), to the present time. In the recent case of *In re Hanbury, Hanbury* v. *Fisher*, supra,

succeed the testator as the head of the family, if the supposed beneficiaries are his children. The question arises, will a different rule be applied?"

It will be seen that the question here raised though of much interest if the doctrine is still in force, can have no place if it is abolished, as in the latter case it would be immaterial whether the first taker of the property were a relative or a stranger, the sole question being whether the words used were imperative or precatory.