

bequeathed those shares to three of his sons, of whom E. was one, providing that, except E., they should not be allowed to take any part in the management of the business. After the date of the will, E., who had been employed in the business for some time at a salary, asked for an increase of it. His father would not grant him this, but gave him, on a reconstitution of the partnership, two shares therein. E. resisted the theory of ademption on the ground that he had purchased the shares, giving his services in exchange and as the consideration for them; and, further, that the presumption of ademption did not even *prima facie* arise in the case of property of this kind. Mr. Justice Romer disagreed with him on both grounds; but he has been successful in the Court of Appeal. The leading case on this subject is *Ex parte Pye*, 18 Ves. 140, and in the notes on that case in White and Tudor's "Leading Cases" (6th edit., vol. ii., p. 364) will be found many cases showing the strong presumption there is in the eyes of the law, that a gift of a large sum of money to a child is intended by a person in *loco parentis* as an ademption *pro tanto* of any money bequeathed to that child in a will previously made. But we do not generally regard as a gift anything which we have paid for, and what difference can it make that we have not used the medium of exchange, but have given our services instead of a money payment? E.'s two shares were really bought by him, and, therefore, were put out of the power of his father's will. The Court of Appeal seem further to have left open, for the decision of some future leading case, the question whether the presumption of ademption can be applied to shares of this kind.—*Law Journal*.

IMPERSONAL TRUSTS.—In the earlier as well as the latest edition of "Lewin on Trusts," it is stated in general terms that "a trust must be for the benefit of some *person or persons*, and if this ingredient be wanting, as in a trust for keeping up family tombs, the trust is void." The high authority of the learned author, however, appears to be the chief, if not the only, foundation for this proposition. No less than ten cases are, indeed, cited in support of it, but most of these will be found to be cases in which, as in *Lloyd v. Lloyd*, 21 Law J. Rep. Chanc. 596; 2 Sim. (N.S.) 255, trusts were attempted to be created without any limit of time, for the repair of family tombs, not forming part of the fabric of the church; while in another case referred to, *Thompson v. Shakespear*, 29 Law J. Rep. Chanc. 140, 276; Johns. 612; 1 De G. F. & J. 399, the testator gave property for the formation of a merely private museum, also without any limit of time. Not being charitable trusts, these bequests were clearly void on the ground of perpetuity. In *Thompson v. Shakespear* there was the additional circumstance that the trust was also void for uncertainty, but the ground of perpetuity was mentioned by Lord Hatherley in his judgment, and commenting on the cases in *Richard v. Robson*, 31 Law J. Rep. Chanc. 897; 31 Beav. 244, Lord Romilly says: "*Lloyd v. Lloyd*, and the other case of *Thompson v. Shakespear*, show that a gift merely for the purpose of keeping up a tomb or building which is of public benefit, and only an individual advantage, is not a charitable use, but a perpetuity." These cases, therefore, so far from establishing the proposition for which they are