the devise or bequest was to the devisee or legatee absolutely. See also other cases cited in Lewin on Trusts 9th ed., p. 137. But still in each case the whole will must be looked at, and, unless it appears from the whole will that an obligation was intended to be imposed, no obligation will be held to exist; yet, moreover in some of the older cases obligations were inferred from language which in modern times would be thought insufficient to justify such an inference."

These expressions, we think, fairly indicate the full length to which the revolution in judicial sentiment on this subject has, up to the present, proceeded.

4. Whether precatory trusts now abolished.

And it is worth while remarking this because in some way misapprehension upon the subject has crept in, and we find the statement occasionally made that precatory trusts are a thing of the past, having been practically abolished by the trend of the modern decisions(*c*).

So far as we are able to judge of the matter this seems to be an entire misconception. We cannot discover that the cases support that conclusion.

(*c*) Amongst others, so careful a writer as Mr. E. D. Armour, K.C., has given currency to this view, expressing the matter as follows, (10 C.L.T. 154: "The technical signification of precatory words having been abandoned, and the Courts having repeatedly stated that they must look at the whole will to discover the intention, the logical result is that precatory trusts are abolished, and that nothing but an imperative direction, or a direction so clear in its terms as to indicate what the donee must do to carry out the testator's wishes, will be construed into a trust."

We are inclined to think, however, that the passage quoted must not be taken as a declaration of that learned writer's definite opinion that precatory trusts are in very fact abolished, but rather as an intimation of what must be the eventual result if the present process of evolution is continued. Indeed, that would seem to be clearly the case, as, at a later stage of the same article, we find Mr. Armour proceeding with the discussion of his subject on the basis that the doctrine of precatory trusts is still in full force. The passage is as follows: (p. 154). "A consideration sufficiently embarrassing may arise when there is a bequest to a stranger who is regarded with some degree of confidence by the testator. We have just given instances of cases in which testators have left their property to their wives, and have expressed confidence that they would carry out what the testator would have done. Such reasoning as was applied in the cases of *Lambe* v. *Eames*, supra, where the testator was said to intend his wife to 'remain head of the family and to do what was best for the family' . . . . cannot well be applied to a person who does not naturally