

SURPLUS IN HANDS OF MORTGAGEE ON SELLING
UNDER POWER OF SALE.

See "Trustees' Relief Act."

SURVIVING PARTNER.

See "Firm."

TERMINUS.

See "Railway Terminus."

TITLE ACQUIRED AFTER SUIT.

See "Practice," 10.

TREASURER'S WARRANT.

See "Sale of Land for Taxes."

TRUSTEE, AND CESTUI QUE TRUST—TRUSTS.

1. *J. C.*, the elder, by deed of 30th of January, 1862, conveyed the lands in question in the cause to his daughter, *S. C.*: "In trust from and after the death of the grantor until the youngest child of *J. C.* shall arrive at the age of twenty-one years, the proceeds arising from the use of the land shall be applied for the use and benefit of the said *J. C.* and his family, so far and in such a way as to the said *S. C.*, her heirs or executors, shall seem right and proper; and after the said youngest child shall so arrive at the age of twenty-one years, it shall be the duty of the said *S. C.*, her heirs or executors, to either divide the land between the said *J. C.* and his children, or sell and dispose of the same, and the proceeds of such sale to apply for the benefit of them, the said *J. C.* and his children, in such way or manner as to her or them may seem right and proper."

Held, that under the deed, *S. C.* was a trustee to apply the proceeds of the land till the youngest child of *J. C.*, living at the death of the grantor, attained twenty-one, for the use and benefit of *J. C.* and his family, to the extent and in the manner *S. C.* might deem right and proper, the amount and mode of application being left entirely in her discretion; and after such child attained twenty-one, either to divide the land amongst *J. C.* and his family, or to sell the same and apply the proceeds for the benefit of *J. C.* and his children, in such manner as to her should seem right and proper; but she was not at liberty to select one child and give the