

trustee or trustees for the time being for the same money." One of the trustees died, and the other was released from the trust, and two others were appointed by the court in their stead. *Held* (per *Vankoughnet, C., Esten and Spragge, V. CC., dubitantibus*) on objections taken to an attempted sale of the trust estate vested in the new trustees, with the consent of the *cestuis que trustent*, that the power to sell was a personal trust and not transferable to the new trustees: and it appearing that the sale which had been effected, with the consent of the *cestuis que trustent*, was in reality a sale to one of themselves, the court dismissed a bill filed by the vendor seeking to enforce a contract for sale, and under the circumstances without costs.

Ridout v. Howland, 547.

TRUSTEE AND CESTUI QUE TRUST.

1. In a suit by *cestui que trust* against his trustees seeking, amongst other things, to obtain a conveyance of lands, it was alleged that three lots of land had been conveyed to trustees for the plaintiff and his sister, one of such lots having already been conveyed by the trustees to a purchaser at the request of the *cestuis que trustent*. The conveyance to the trustees was not

produced, and the memorial shewed only a conveyance to the trustees, without expressing any trust. The court, under the circumstances, presumed that a trust had been declared as to all the lots, and gave relief to the plaintiff as to the two lots still vested in the trustees, and which the court held might be vested in the plaintiff by the decree in the cause, under the statute.

McDougall v. Bell, 283.

2. While the court will not exact from trustees, in the management of the estate, more careful conduct than a prudent man would bestow in the management of his property, still it requires from them full explanation of all their dealings and the causes which may have led to outstanding debts not having been collected, or to the disappearance of property belonging to the estate.

Chisholm v. Barnard, 479.

See "Ante Nuptial Settlement."

"Executors," 6.

"Presbyterian Church."

"Mortgage, &c." 13.

TRUST AND LOAN COMPANY.

See "Usurious Contract,"