

SHIP—Continued.

- Account—Co-owners — Jurisdiction
—Court of Equity 233
See ACCOUNT, 1.

- SOLICITOR**—Mortgage—Payment—
Authority of solicitor of mort-
gagee to receive mortgage debt—
Fraud 341
See MORTGAGE, 3.

- SPECIFIC PERFORMANCE**—Equit-
able relief in ejectment action—
60 Vict., c. 24, s. 283. 365
See AGREEMENT.

- STATUTE OF FRAUDS**—Crown land
lumber license—Purchase—In-
terest in land—Parol agreement—
Resulting trust 54
See FRAUDS, STATUTE OF.

STATUTE OF LIMITATIONS.

See LIMITATIONS, STATUTE OF.

- TENANCY BY THE CURTESY**—
Conveyance by wife without hus-
band's concurrence 278
See MARRIED WOMAN, 1.

- TENANTS IN COMMON**—Adverse
possession—Extinguishment of
title 179
See LIMITATIONS, STATUTE OF.

- TENANTS IN COMMON**—Fishery
license—Exclusion of co-tenant
..... 252
See FISHERY LICENSE.

- TENDER**—Bank Notes.] A tender in
bank notes not legal tender, is good, if
not objected to on that account.
STEWART v. FREEMAN (No. 3) 451

- TRUST**—Charitable gift—Will—Uncer-
tainty 172
See WILL, 1.

- Donatio mortis causâ—Savings
bank deposit book—Remedy in
equity 146
See DONATIO MORTIS CAUSA.

- Lumber license—Public sale—Pur-
chase in trust—Parol agreement
—Interest in land—Statute of
Frauds 54
See FRAUDS, STATUTE OF.

- Resulting trust—Purchase by hus-
band in name of wife—Intention
—Onus of proof 348
See MARRIED WOMAN, 2.

- TRUSTEE**—Accounts, Passing of—
Trust for Benefit of Creditors—[Jurisdic-
tion of Court—Commission on Receipts.]
A trustee under an assignment for the
benefit of creditors is not entitled upon
his own application to have his accounts
passed by this Court. Trustee allowed a
commission of 5 per cent. on receipts. *In re VAN WART* 320

2. —Breach of Trust—Loss to Es-
tate—Liability of Trustee—Trustee Re-
lief Act, 61 Vict., c. 26—Will—Construc-
tion.] A testator in one part of his will

TRUSTEE—Continued.

gave all his real and personal estate to
his wife "to be hers in such a way that
she shall, during her life, have the full
use, benefit and enjoyment thereof," and
then over, and in a subsequent clause,
after directing his executors to sell his
real estate, empowered them to make in-
vestments in certain classes of securities,
"so that my said wife may have the in-
terest and income therefrom during her
life." The plaintiffs, with testator's
widow, were appointed executors of the
will. The estate was comprised in part
of real estate, which was sold by the exe-
cutors, and the proceeds were handed by
the plaintiffs to their co-executor to be
held by her under the terms of the will,
they honestly believing that such was
their duty under the will. On her death
an investment made by her representing
a part of these proceeds came to the
hands of the plaintiffs; the remainder of
the proceeds having been either used or
lost by her. *Held*, that the estate was
devised in trust to pay the income only
therefrom to the widow during her life,
and that there was a breach of trust by
the plaintiffs; but that they had not
acted unreasonably in the view they
took of the meaning of the will, and that
they should be relieved from personal
liability, under Act 61 Vict., c. 26.
SIMPSON v. JOHNSTON 333

3. —Commission—Personal Estate
—Income—Investments.] No fixed rule
can be laid down as to the commission
trustees will be allowed by the Court, as
each case must be governed by its own
circumstances, and by a consideration of
the trouble experienced in the manage-
ment of the estate. Where trustees of an
estate consisting of stocks and mortgages
received under the deed of trust a com-
mission of 5 per cent. on income, a com-
mission on the estate was refused, but a
commission of 1 per cent. was allowed
on investments made by them. *In re WIGGINS' ESTATE* 123

- Breach of trust—Company—Direc-
tor 539
See COMPANY, 1.

WILL—Construction—Blanks in Will
—Charitable Gift—Trust for Benevolent
Purposes—Uncertainty—Failure of
Trust.] A testator by will provided for
a bequest of money to the defendants, to
be paid yearly or at such times as his
executor should think advisable, but
omitted to fill in the amount. In the
same paragraph of the will it was then
declared that, when "Home Missions"
were considered more needy, an amount
might be given to it, or to any such good
and benevolent Christian objects as the
executor should consider most deserving.
The will then directed the executor to
sell a part of the testator's real and per-