

shown that the Trustees had laid down a rule that the sons of farmers were not persons in a situation of life fit to be the objects of the charity, he would have sustained the order, notwithstanding the plenary discretion given them by the will.

"I have looked," says Lord Truro, "with considerable diligence to see if I could discover any foundation for the idea, that the Trustees ever had laid down any such rule, and I am quite unable to discover how the idea could have arisen;" and again, "I see no ground whatever for supposing that the Trustees were acting upon any aristocratic rule, or any rule so absurd, as, that a person—the founder devising property, for the benefit of the inhabitants of an agricultural district—intended that the sons of farmers in that district, sons of persons incompetent to maintain them, should not be eligible as the objects of this charity." Page 81.

The existence of an intent on the part of the appointor, as evidenced by the communication to the appointee after the appointment had been made, of a purpose inconsistent with the power, was held sufficient to vitiate the appointment, though the appointee had not before the appointment been privy to the arrangement. *Marsden's Trust*, 4 Drewry, 600.

*Topham vs. The Duke of Portland*, 5 Ch. App. Cases, Law Rep. 40.

A settlor by deed declared that trustees should hold certain funds after his death upon trust for his daughters Harriet and Mary, or one of them, as his son should appoint, and in default of appointment should pay the dividends to H. and M. in equal shares during their joint lives, with remainder over. At the time when the settlement was made, the settlor objected to the proposed marriage of M., and made the settlement in order that in the event of the marriage, the income should be appointed as to one-half for H., and as to the other half to be dealt with according to circumstances. After the death of the settlor M. married, and the son thereupon appointed the income of the whole fund to H. for her life reserving a power of revocation. H. was not informed that the appointment had been made, and it was shown that the intention of the son and of