

## TRIAL.

*Dismissal of Action—When allowed.*—A cause is not finally submitted to the jury until they are directed to enter upon the consideration of the case, and where a party offered to dismiss his case before the jury were instructed, but after the court had indicated what the instruction would be, the offer should have been allowed and the cause dismissed: *Mullen v. Peck*, 57 Iowa.

TRUST. See *Charity*.

*Sale under a Power—Application of Purchase-money—Liability of Purchaser.*—Where trustees under a will have power to sell, in their discretion, and re-invest the proceeds on the same trusts, a purchaser from them is not bound to see to the application of the purchase-money: *Van Bokkelen v. Tinges*, 58 Md.

## TRUSTEE.

*Right to Appeal—Liability for Costs.*—A conventional trustee appointed to sell property and distribute the proceeds among creditors has the right to an appeal: 1st. Whenever his commissions, or other allowances as trustee are affected by the order of the court below; 2dly. In all cases where the trustee is interested in the fund to be distributed, as a creditor; 3dly. In any case where the question of the increase or diminution of the *whole* fund in his hands as trustee is involved, and which increase or diminution would enure to the benefit or loss of *all* the creditors: *Frey v. Shrewsbury Savings Institution*, 58 Md.

But where the question is a contest between the creditors of the debtor among themselves, the trustee has no right to intervene, and it is not his duty to prolong the litigation. In such cases the creditors whose rights are affected are the proper persons to appeal: *Id.*

Where, however, the court is satisfied the trustee in appealing acted in good faith, and in discharge of what he supposed to be his duty, the costs will be paid out of the fund: *Id.*

UNDUE INFLUENCE. See *Duress*.

UNITED STATES COURTS. See *Equity*.

VENDOR AND VENDEE. See *Fraud*.

WARRANTY. See *Judicial Sale; Sale*.

WATERS AND WATERCOURSES. See *Negligence*.

## LIST OF THE PRINCIPAL NEW LAW BOOKS.

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