

# COLUMBIA LAW REVIEW.

Published monthly during the Academic Year by Columbia Law Students.

SUBSCRIPTION PRICE, \$2.50 PER ANNUM

35 CENTS PER NUMBER

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## NOTES.

SUBROGATION AGAINST CESTUIS QUE TRUSTENT IN FAVOR OF CREDITORS OF AN INSOLVENT TRUSTEE.—There is a broad principle of equity jurisprudence that one who has been obliged to pay money which in equity and good conscience is primarily due from another, may call upon the latter for reimbursement.<sup>1</sup> In accordance with this doctrine a trustee who has incurred expense in the due administration of the trust has a lien to that extent upon the trust *res*<sup>2</sup> and is entitled to reimbursement thereout,<sup>3</sup> and if the trust estate proves insufficient he may call upon the *cestui que trust* personally.<sup>4</sup> But equity has gone

<sup>1</sup>Sheldon, Subrogation, (2nd ed.) § 11.

<sup>2</sup>Perry, Trusts, (5th ed.) § 907.

<sup>3</sup>Jervis v. Wolferstan (1874) L. R. 18 Eq. 18; Rensselaer Etc. R. R. Co. v. Miller (1874) 47 Vt. 146.

<sup>4</sup>Balsh v. Hyham (1728) 2 P. W. 453; *Ex parte* Chippendale (1854) 4 De G. M. & G. 19; Phené v. Gillan (1845) 5 Hare 1.