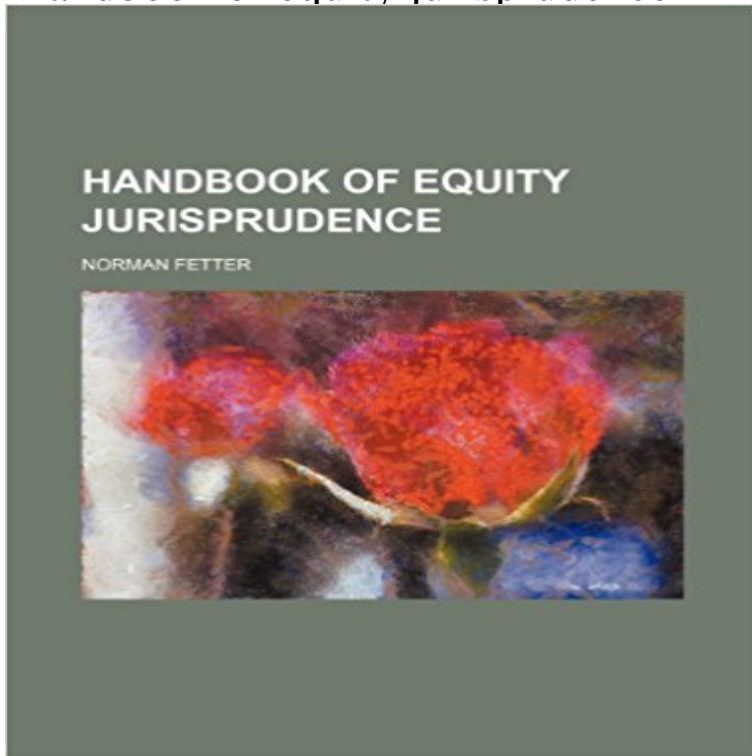


Handbook of equity jurisprudence



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1895 Excerpt: ...v. Walker, 31 S. C. 13, 9 S. E. 804. J2o King v. Penlson, 1 Ves. & B. 272, per Lord Eldon. Eq.jur.--13 to a person without consideration, the use at once resulted to th2 feoffor, and in equity he continued to enjoy the beneficial interest. It was therefore at one time held in England that, on a voluntary conveyance to a stranger, a trust would result to the grantor when no intention appeared to confer a beneficial interest on the grantee.1 This doctrine, however, never applied to conveyances to a wife or child, but an intention to make an advancement was presumed, and the wife or child took beneficially.128 Under the system of conveyances in force in the United States, where land is conveyed to the use of the grantee, no use can, of course, result to the grantor, though the conveyance is voluntary;139 and especially is this true of deeds containing covenants of warranty, which estop the grantor from claiming any legal or beneficial interest in the estate.130 3. Since this species of resulting trust depends merely on presumption, parol evidence of the settlors intention is admissible to rebut it as to instruments inter vivos.131 SAME--PURCHASE IN NAME OP THIRD PERSON. 127. Purchases of this kind are divisible into two classes: (a) Purchase in name of stranger. (b) Purchase in name of wife, child, or near relative. SAME--PURCHASE IN NAME OF STRANGER. 128. The clear result of all the cases, without a single exception, is that the trust of a legal estate, whether taken in the names of the purchaser and others jointly, or in the names of others without the purchaser, whether in one or several, whether jointly or successive,

results to the man who advances the purchase money.¹³³ 127 Lewiu, Trusts, 144. 128 Id. 128 Graves v. Graves, 29 N. n...

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