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## Editorial Notes

The Editors

*Washington University School of Law*

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# ST. LOUIS LAW REVIEW

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## Editorial Notes

### CONTRIBUTOR TO THIS ISSUE

GEORGE W. SIMPKINS, A.B., Harvard, 1930; LL.B., J.D.,  
Washington University, 1933, contributes *State Regulation  
of Contracts with Public Utility Affiliates*. A former Edi-  
tor-in-chief of the *St. Louis Law Review*, Mr. Simpkins is  
now a member of the Bar of St. Louis.

## THE SCHOOL OF LAW

The Samuel Breckenridge Prize Awards for notes appearing in Volume XIX of the *Law Review* have been announced by the prize committee consisting of George W. Simpkins, Earl Susman and Fred A. Eppenberger. The prizes for the best note appearing in each of the four issues were awarded to: Herman Goralnik for his note in the December, 1933 issue, *Securities as Subjects of Interstate Commerce*; Harry Willmer Jones for his note in the February, 1934 issue, *The Interest Required of a Petitioner for Receivership in Missouri*; Sidney J. Murphy for his note in the April, 1934 issue, *The Extent of the Right of a Public Utility to Refuse Service*; Louis Clayton Larrabee for her note in the June 1934 issue, *Publication as a Relinquishment of the Common Law Right in Literary Property*. Mr. Murphy won the additional prize for the best note of the entire group.

## Notes

## SOME ASPECTS OF DISCRETIONARY TRUSTS

Under this title it is proposed to confine the discussion to situations in which the trustee has been given a discretion as to the quantum of income or principal he may pay over to the beneficiary. Such discretions vary in degree; in general three classes may be distinguished. (1) The most common category comprises discretionary powers expressly qualified and subordinated to some purpose of the settlor; such would include a discretion to pay such sums as the trustee deems fit "for the comfortable support" of the cestui;<sup>1</sup> for "support and maintenance";<sup>2</sup> for suitable education;<sup>3</sup> for necessary medical expenses;<sup>4</sup> or to convey the principal "when he deems cestui able to manage it."<sup>5</sup> At times the

<sup>1</sup> *In re Walters* (1924) 278 Pa. 421, 123 Atl. 408; *Cecil's Trustee v. Robertson & Bro.* (Ky. 1907) 105 S. W. 926; *Ratliff's Ex'ers v. Commonwealth* (1907) 139 Ky. 533, 101 S. W. 978.

<sup>2</sup> *Morris v. Daiker* (1929) 35 Ohio App. 394, 172 N. E. 540; *Coker v. Coker* (1922) 208 Ala. 354, 94 So. 566; *Taylor v. Harwell* (1880) 65 Ala. 1; *Gardner v. O'Loughlin* (1912) 76 N. H. 481, 84 Atl. 935; *Bronson v. Strause* (1889) 57 Conn. 147, 17 Atl. 699; *Smith v. Wildman* (1870) 37 Conn. 384; *Louisville Tobacco Warehouse Co. v. Thompson* (1916) 172 Ky. 350, 189 S. W. 245; *Manning v. Sheehan* (1911) 133 N. Y. Supp. 1006; *Brooks v. Reynolds* (C. C. A. 6, 1893) 59 F. 923; *Osborne v. Gordon* (1893) 86 Wis. 92, 56 N. W. 334.

<sup>3</sup> *Morris v. Daiker*, supra note 2; *In re Reith's Estate* (1904) 144 Cal. 314, 77 Pac. 942; *Mackenzie v. Los Angeles Trust Co.* (1918) 39 Cal. App. 247, 178 Pac. 557.

<sup>4</sup> *French v. Calkins* (1911) 252 Ill. 243, 96 N. E. 877.

<sup>5</sup> *Meek v. Briggs* (1893) 87 Iowa 610, 54 N. W. 456; *Morris v. Daiker* supra note 2; *Bacon v. Bacon* (1882) 55 Vt. 243.