299 **Use upon a use.**—*The word "hereditaments" is understood of these things whereof an inheritance is *in esse,* and it excludes annuities and

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infant beneficiary being entitled to hold the property. Long v. Long, 62 Md. 66; Hooper v. Felgner, 80 Md. 262; Hooper v. Smith, 88 Md. 577; Prince de Bearn v. Winans, 111 Md. 474; Colburn v. Union Infirmary, 114 Md. 109. So in Owens v. Crow, 62 Md. 491, where leasehold property was conveyed to a trustee for the use of the grantor's infant daughter, the trustee having no duties or functions to perform, it was held that only a dry legal estate passed to the trustee, which he could not hold as against the infant or her guardian; and that the absolute legal estate would vest in the infant whenever for any purpose it was necessary for her to hold it. Though see Hall v. Bryan, 50 Md. 211; Byrne v. Gunning, 75 Md. 30. In Warner v. Sprigg, 62 Md. 14, it is said that the beneficiary in such case has the right to call for the conveyance of the legal title, but that a decree of court may vest him with it without the formality of a deed.

Real estate.—It is firmly settled law that where real estate is given to a trustee and his heirs in trust to collect and pay the income to A for life and after his death merely to hold the same in trust for B, the trust ceases on the death of A, because its purposes have been accomplished. In such case the Statute of Uses executes the use and vests the legal title in B, thereby ending the title of the trustee. Colburn v. Union Infirmary, 114 Md. 109; Prince de Bearn v. Winans, 111 Md. 474; Hooper v. Felgner, 80 Md. 262. Though the estate of the trustee be one of inheritance, yet, if on the death of the life tenant the trustee has no longer any active duties to perform and the trust is not required for any practical or useful purpose beyond the life of the life tenant, such as a title that requires protection by the trustee's retention of the legal estate, the Statute will operate and execute the use in the remainderman,—since it is not to be supposed that the settlor intended the trust to continue for all generations. Long v. Long, 62 Md. 64; Handy v. McKim, 64 Md. 560; Abell v. Abell, 75 Md. 62; Graham v. Whitridge, 99 Md. 292.

The same result is reached by the application of the well established principle that the extent of the legal interest of a trustee is measured, not by words of inheritance or equivalent terms, but by the objects and purposes of the trust upon which the estate is given. Although he may be given a legal estate to the fullest extent, as to him and his heirs, yet it cannot be supposed that the settlor intended the trust to continue indefinitely and for all time, and therefore the trustee takes only so much of a legal estate as the purposes of the trust require. Taylor v. Watson, 35 Md. 519; Long v. Long, 62 Md. 65; Handy v. McKim, 64 Md. 560; Thompson v. Ballard, 70 Md. 10; Devries v. Hiss, 72 Md. 560; Numsen v. Lyon, 87 Md. 31; Brillhart v. Mish, 99 Md. 447; Schmidt v. Hinkley, 115 Md. —. Indeed, in most cases of the kind, if the title of the trustee were not held to be at an end, the limitations would be void as tending to create perpetuities. Lee v. O'Donnell, 95 Md. 546. For, of course, where there is no limitation to the duration of a trust and the settlor intended it to continue indefinitely, it will be held void on that ground. Missionary Soc. v. Humphreys, 91 Md. 131.

In Brown v. Reeder, 108 Md. 653, the court said that the title of the