

The Legal News.

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A paper issued in England, by the Incorporated Law Society of the United Kingdom, refers to the rigour of the law affecting trustees, which has been mitigated by an Act recently promoted by the Society. "Anxieties and responsibilities must inevitably attend the discharge of the thankless duties of a trustee; but they have been aggravated to an unbearable extent by a long series of judicial decisions which have fenced in the trustee's path with thorns and briars innumerable, and required of him a degree of vigilance and circumspection, passing all the ordinary standards by which the reasonable conduct of human affairs is measured. To remedy the evil as far as possible, it has of late years been customary for skilled draftsmen of wills and settlements to introduce protective clauses, and to those familiar with such instruments it has been both painful and, in a certain sense, almost amusing to see how every decision of the Courts which has added an extra cord to the judicial lash wherewith trustees have been reminded of their duties, has been followed by the insertion of a new clause in subsequent wills and settlements, expressly declaring that the trustees of those instruments may do that precise thing which the Court has declared that their unfortunate brethren not similarly protected had no right to do. But it is manifest that such a mode of pruning judicial severity must at the best be very partial in its practical results, and that the necessity for it indicates a condition of things calling loudly for the interference of Parliament. Recognising this to be so, the Incorporated Law Society, with the able assistance of Lord Herschell in the one House and Mr. Cozens-Hardy in the other, have prevailed on the Legislature to lessen, in some degree at least, the personal responsibilities of trustees who act in good faith and take reasonable measures for protecting the interests committed to their charge. This much-needed change in the law is to be found in the Liabilities of

Trustees Act. The Act declares that a trustee may appoint a solicitor or a banker to be his agent for the receipt of trust money in certain cases, and protects him against liability arising out of depreciatory conditions on sales, or out of losses resulting from loans of the trust funds where he has lent not more than two-thirds of the value of the property, and has acted upon a report as to the value of the property made by a person whom he reasonably believes to be an able practical surveyor or valuer, instructed and employed independently of any owner of the property. It also contains provisions limiting the liability of trustees in cases of advances on leasehold property, of improper investments, and of breaches of trust committed at the instance of or with the consent of the beneficiary, and empowering trustees to insure the trust property, and to plead the Statutes of Limitations, except in cases where the trustee has himself benefited by the breach of trust. To any ordinary mind it would appear strange that legislative sanction should be needed to render such acts as those which we have briefly indicated lawful; but, in fact, it is hardly an exaggeration to say that every provision of the Act represents what may be termed a monument to martyrs who have suffered in the cause of trusteeship."

Dr. Geffchen, professor and senator of the University at Hamburg, about whom so many reports have appeared in the cable news—amongst others that his mind was affected and that he was not accountable for his actions—refutes this idle talk by appearing as the author of a learned paper on "The Right of Blockade in time of Peace," in the *Journal du Droit International Privé*. A curious incident of this article is that the learned author was unable to revise the proofs, being at the time confined in prison in Berlin. To deny an author in reclusion an opportunity of correcting the proofs of an article on such a subject seems to be part of the needless severity with which Dr. Geffchen was treated.

In our last volume, p. 416, a short note appeared with reference to the exclusion of women from the bar in Belgium. The lady