

amounts and methods of such payments being left absolutely in the discretion of the trustee," the trustee's discretion must be exercised reasonably, considering all the circumstances; and is subject to the control of the proper court, on proper proceedings, in case of unreasonable detention of income.

A court of equity will decree the termination of a trust where there is no good reason for its further continuance.

NEGLIGENCE—STREET CAR.—That a street car company cannot escape liability for the injury of a passenger through derailment of a car because the derailment was caused by a brick placed on the track by a stranger, is declared in *O'Gara v. St. Louis Transit Co.* (Mo.) 12 L.R.A. (N.S.) 840, if, by the exercise of the high degree of care and diligence which such corporations must exercise toward their passengers, the motorman could have seen the brick in time to avoid running upon it.

That it is not negligence, as matter of law, to ride upon the platform of a street car, notwithstanding a notice that it is dangerous to do so, and the fact that at the time there is room within the car, is declared in *Capital Traction Co. v. Brown* (App. D. C.) 12 L.R.A. (N.S.) 831, where the company customarily so overloads its cars that passengers must of necessity ride upon the platforms.

Bench and Bar.

JUDICIAL APPOINTMENTS.

Francis Robert Latchford of the City of Ottawa, barrister-at-law, to be a judge of the Supreme Court of Judicature for Ontario, a Justice of the High Court of Justice for Ontario, and a member of the Chancery Division of that court, in the room of Mr. Justice Mabee, appointed Chief Commissioner of the Board of Railway Commissioners for Canada. (May 5.)

Flotsam and Jetsam.

There is a breezy sort of good sense about Lord O'Brien's conduct of judicial proceedings that is very useful sometimes from the point of view of absolute justice. A few days ago,