

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

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The concluding numbers of the Law Reports for December include, besides the indices, (1895) 2 Q.B. pp. 669-739.

SOLICITOR AND CLIENT—GIFT BY CLIENT TO WIFE OF SOLICITOR—UNDUE INFLUENCE, PRESUMPTION OF—INDEPENDENT ADVICE, ABSENCE OF.

Liles v. Terry, (1895) 2 Q.B. 679, is a case which deserves the attention of solicitors, as emphasizing the caution necessary to be observed in transactions between themselves and clients, having for their object any benefit to themselves or wives. In this case the plaintiff brought an action to set aside a deed made under the following circumstances: The male defendant was a solicitor, and his wife (and co-defendant) was a niece of the plaintiff, and, without any independent advice, the plaintiff had made a conveyance to the male defendant of certain leasehold premises, in trust for the plaintiff for her own life, and, after her death, in trust for the female defendant. The plaintiff failed to establish that any undue influence had been in fact exerted to induce her to execute the deed, but the Court of Appeal (Lord Esher, M.R., Lopes and Kay, L.JJ.) were of opinion that there is an inflexible rule of equity, that undue influence must be presumed in such a case, where either a solicitor or his wife profits by a conveyance made by the client, and that this is a presumption of law which cannot be rebutted by any evidence. Where the solicitor himself derives a benefit, there is ample authority, and in arriving at the conclusion that the same rule applies where his wife is benefited, the Court follow the case of *Goddard v. Carlisle*, 9 Price 169. The decision of Charles, J., in favor of the defendants was therefore reversed. In vol. 25, ante, pp. 98, 137, will be found an article dealing with this subject, and containing a review of some of the cases bearing upon it.