William Fratcher, law professor, sits in his small, squarish, office full of books, prints of English courtroom scenes, a world almanac and a huge, worn, black Bible (inscribed to his grandfather of the same name who won it in a spelling bee). He is apparently well-suited to the room’s atmosphere of placid and comfortable scholarliness.

A gentle, beamish man in a conservatively cut grey suit, Fratcher is a legal researcher, scholar, member of the Council, Probate and Trust committee of the Missouri Bar, and, though he would probably raise an eyebrow at the term, reformer.

Here to fore mild eyes sparkle as he explains that academicians can nudge society along: “Our only agencies for improvement of the law—not just lobbyists—are law teachers. We have a function of using our position to write and think about improving the law.”

Improving the property transferal laws (in legal jargon—freedom of alienation) is his primary concern. He sees (and the reformer begins to emerge) freedom of alienation as “very important to achieving and keeping a successful free society.”

Proffering a thin, much-thumbed brown book of yellowing pages (Thomas Scrutton’s 1886 publication, Land in England), Fratcher elaborates on his theme. “In a completely socialist society, resource allocation is handled by the government. In a free economy, allocation of resources—of which land is the most important—is accomplished through private contracts.”

Frequently, private contracts include provisions for tying up land—entails, future interest, trust, direct restrictions on sale. So the problem arises, Fratcher explains, that for varied private motives people tie up land indefinitely, so that it can’t be sold or mortgaged, even if the owner can’t afford to develop or improve it.

Fratcher is convinced that a great deal of our land “is a waste. We lower the general standard of living and economy. Look at the Ozarks.”

In many cases, the land is not only wasted but also an albatross round the heir’s neck. Fratcher cites one Missouri case involving a “crippled 60-year-old secretary whose land is bequeathed to the heirs of her body. She’s single and not likely to have children at this point. She can’t afford to develop the land, which could be sold for $32,000, but the court held that under the transferal terms she couldn’t sell, couldn’t mortgage. So the land just sits there, idle.”

This sort of entail practice was established by King Edward in 1285. “And Missouri’s 1860 law, reworded in ’45, is worse than that, worse than ever!” he continues indignantly, speaking of one law he’s working diligently to change.

Another land tie-up provision makes trustees powerless to sell—Fratcher’s reform proposals in this area have al-
ready been adopted by 15 states. He's also drafted legislation for the National Conference of Commissioners in uniform estate laws. Persistently, patiently, he works toward effecting changes, through drafting legislation, article publication and friendly persuasion. "Under the uniform veterans guardianship act, it's impossible to use land purchased in whole or in part under veteran funds, and this has been going on since the Civil War. But," and he smiles shrewdly, "I think I've finally gotten through to the Veterans Administration."

While the reformer's zeal is there, it's the quiet zeal of a good-humoured scholar; not fanatic, not hurried, but patient and confident of the long run.

Though he takes pride in his work, Fratcher is essentially a modest man who tends toward quickly passing over his accomplishments and pointing out what needs to be done. Characteristically, he does not volunteer information about his work at Nuremburg until directly questioned, and even then responds as if to imply that today is a long, long way from the famous war crime trials. He was there to draft legislation adopted by the Eisenhower-Zhukov-Montgomery-Koenig control council, in post-World War II occupation days. Fratcher helped set up the actual trials, and created many of the laws under which war criminals were tried. Memories of his Nuremburg days run to observations on the different philosophies of the Allied occupiers, those who sought vengeance and those who were more interested in rehabilitation of Germany.

No one, least of all Fratcher himself, thinks about the problem of tied-up land as a compelling, headline-grabbing issue. "It's a slow, continuous process. After all, Lord Justice Scrutton made proposals in 1886 that weren't adopted until 1926." But nobody who knows him will be terribly surprised if Fratcher's proposals are adopted much quicker than Scrutton's—who could resist such an eminently reasonable and genial reformer?