

soon as an appearance is entered, a motion is made for directions as to the future conduct of the action. It is urged that a wider discretion should be given to the judges as to matters of practice, and that they should not be tied down as at present by a voluminous code of procedure. It is assumed that there would thereby be a saving of expense and a more speedy trial of causes, and the happy result which has followed the establishment of a special Court for the trial of commercial causes in the City of London is referred to.

I doubt very much whether these benefits would result from the proposed changes. It so happens that the English *Law Times* of December 10th ult. contains a note of a case which illustrates very forcibly the working of the preliminary motion for directions : An application was made to a Master who made an order from which an appeal was had to a Judge, who varied it, and from whose order a further appeal was had to the Court of Appeal, which appeal was dismissed. The motion for directions in this case therefore involved three motions, all attended with a considerable amount of costs, which somebody had to pay. This is likely to be a common occurrence, so that it is difficult to see where the saving of expense comes in.

Furthermore, the English method of trial of commercial cases in London cannot be generally applied. The English Court for the trial of such cases is usually presided over by the same Judge, one of the ablest and most experienced on the English Bench, and the mode in which he may be expected to exercise his discretionary powers is by this time pretty well understood ; but I imagine it would be worse than chaos if every Judge upon the bench was to have the wide discretion as to the conduct of causes which the writer of the article suggests. Instead of one system of practice, we should probably then have thirteen.

The real difficulty which lies at the root of all systems of procedure may be summed up in one word, and that word is ' costs.' No method has yet been devised whereby solicitors and barristers can be well and comfortably fed on the supposed chameleon diet of air, or whereby they can be persuaded to clothe themselves in cobwebs or other similarly inexpensive materials. They seem to think, and not without some show of reason, that the world owes them a reasonably decent living, and, as far as the conducting of litigious proceedings is concerned, the only way that living is to be obtained is by costs.