

## REVIEWS—GENERAL CORRESPONDENCE.

The contributors to the *Scientific American* are among the most eminent scientific practical men of the times.

THE AMERICAN LAW REVIEW. October, 1867.  
Boston: Little, Brown & Co.

The last number of this admirable publication has been received. The editorials are: an article on "Liability as Partner" (to be continued)—a masterly review of the English cases on the subject and how they are affected by decisions of the United States Courts; and then an article under the heading, "Railroad Legislation," which appears to be as much in confusion in America as anywhere else, and according to this article in urgent need of reform. We are next given a sketch of Chief Justice Shaw, for thirty years Chief Justice of the State of Massachusetts, whose name was, "taken for all in all, the first in the judicial annals of his State," and if the review of his life and judicial career be faithful, he must in reality have been fully as able and respected as common report has made him. Mr. Jeaffreson's "Book about Lawyers" is given due meed of praise, as we hope will more fully appear hereafter, if we can find space for a transcript of the review of it.

We have also the reports of some important cases, a continuation of the Digest of the English Law Reports (and as to this we again desire to acknowledge the assistance we derive from it); then a selected digest of state reports, containing many cases of especial interest in this country; then book notices, a list of new law books published in England and America since July, 1867; and to conclude, a continuation of the summary of events.

An increased circulation of this Review amongst the profession of the Dominion would testify to their discrimination.

THE AMERICAN LAW REGISTER. Philadelphia:  
\$4 per annum.

The leading articles in the October number of this valuable publication are: The Constitutionality of the Exemption clause of the Bankrupt Law, of peculiar interest to United States lawyers; and a very interesting letter from Dr. Francis Lieber to a member of the New York Constitutional Convention, revised, with additions by the author. We notice in a case of *Jackson Insurance Co. v. Stewart*, that it is held that statutes of limitation are suspended during a state of war, as to matters in controversy between citizens of the opposing belligerents—a doctrine which could not have helped the Lord Chancellor in the case of *Scagram v. Knight* (ante p. 266), in arriving at the opinion he there expresses as to the suspension of the operation of the statute.

We draw largely also from this publication, so that our readers can judge that we at least appreciate its contents, and we hope they do likewise.

## GENERAL CORRESPONDENCE.

TO THE EDITORS OF THE LAW JOURNAL.

*Fees to counsel in matters in the Bankrupt Court.*

It is a matter of some importance to legal practitioners, to know what counsel fees can or ought to be taxed in matters in the Bankrupt Court. I had occasion not long since to have a bill of costs taxed by the clerk of the County Court of the County of York, in an insolvency matter. I had been acting for an opposing creditor for two years. The opposition was very arduous—the case one of the most complicated in Canada West, and the indebtedness of the insolvent over \$200,000. The claim I supported was \$16,000. At the final argument, at this final application of the insolvent for a discharge, I occupied parts of several days in arguing the case, and parts of several days in listening to arguments of counsel. One would have supposed that in such a case, if in any, full counsel fees should have been allowed. The case came before the junior judge of the County of York, now acting, to say what counsel fees should be allowed, and whether Superior Court counsel fees or those taxed in the County Court, should be the rule in this and in all similar cases in bankruptcy. The junior judge decided that he must be guided by the County Court tariff of fees to counsel, and that he could not give a counsel fee exceeding \$14 for all the arguments I have alluded to, to the creditor's counsel. In other words, that a case involving great research into facts and documents, as well as into law cases, and occupying as much time as several trials at the assizes, requiring comments on evidence taken, must be looked on as one coming within the County Court tariff; and that he had no power to go beyond that tariff. The question is then—is this view of the judge right. I submit with all respect for the judge, that he is wrong.

This decision shows how necessary it is that great care should be taken in these decisions by County Court Judges, and that they should not so get when settling costs that they were once practising lawyers themselves, and that the labourer is worthy of his hire, the practitioner quite as much as the judge, and that the amount of that hire should be proportioned