

Wales judgments: "The keeping of the garage was in the nature of a public trade, and . . . the car in question was delivered to the keeper of the garage as exercising and carrying on a public trade, to be managed by him in the way of his trade, and as such was privileged from distress." This Australian decision is a valuable contribution to the case law on motor-cars, even if the English courts of first instance feel bound by the decisions of 1765 and 1847 to class motor-cars with horses and carriages as still liable to distress.—*Law Times*.

JUDGES AND WRITTEN OPINIONS.

The following observations from the *Central Law Journal* may be perused with profit:—

"Much complaint has been made of recent years concerning the undue length of the written opinion, and yet in the demand for brevity there is a hidden danger. A much greater danger lies in the demand that only in exceptional cases shall opinions be written at all. Much of the delay and expense of the law, insofar as appellate courts are concerned, is no doubt due to the written opinion. Yet on the carefully prepared opinion depends not only the orderly growth of the law, but its unswerving rightecusness. The written opinion, indeed, is the result of the desire for a government by law and not by men, and for a government by principle and reason and not by prejudice and passion. This fact even practising lawyers often fail to recognize. The digest-making law book writer realizes it but little and the general public not at all. The public knows nothing of the duties and responsibilities of the appellate court judge. It believes him to be possessed of Solomon-like opportunities and expects him, like Solomon, to decide cases off the bat and with regard merely to his momentary conception of their particular equity. It has no realization of the fact that each appellate court decision becomes a precedent and the guiding rule for those of other similar controversies; that the body of our law always has been, and, unless we radically change our governmental system, always will be judge rather than legislature made; that the lawsuit is the exception and not the rule; and that, as a rule, it is only the cases of doubt that are appealed; that one appellate court case rightly decided and carefully and thoughtfully expressed furnishes a rule of a public and business conduct which if observed will prevent numerous other controversies. The thoughtless observer and the ordinary judicial critic, indeed, desire a government by men when, as a matter of fact, our whole legal structure and the permanence of democracy demands and depends upon a government by law."