mutilation with a maximum two years hard labour, and in the case of a male, twenty lashes. Committal for trial *peremptory*.

3. Intensified punishments on proof of previous convictions for assaults.

Severity is needed. The lash has been so admirable a medicine for the disease of garotting, that we cannot doubt its efficacy in that of the brutal assault and battery. *And the lash has terrors for the brute.* Let a little consideration for the wives beaten almost to death, and the bitten, smashed, and kicked victims temper the philantrophy which looks after the perpretators and shudders at the cat-o-nine tail's name.

To sum up the events of the case briefly, it is only necessary to reiterate that property can be fully reinstated; life, limbs, and teeth cannot. Attacks on the purse injure the bank-book, attacks on the body injure the constitution; and while offences against property shorten only the assets, attacks on the person often shorten life.

One word more. Every proved assault, either with intent or indecent, and every proved rape, ought to meet with the full terms of punishment. Nothing more demonstrates a weakness in a State than the insecurity of its women's safety, and nothing can be a bitterer satire on civilization than to see women unable to walk alone on the high road.

The sooner the judges, chairmen of Quarter Sessions, and magistrates decide on punishing greivously all crimes of unredeemed brutality the better for our national character and our social and individual safety. Not only for our own benefits but for those of the weak and defenceless in the lowest classes in the great town, ought we swiftly, sternly, and surely to teach the lesson that all violence ensures the heaviest retribution from the law. Impossible it is to overrate the importance of such a lesson, and it is earnestly hoped that the considerations imperfectly pointed out in this paper may at once find some place in the minds of those who have the great and awful responsibility of the just administration of the criminal law.

William Reade.

PROFIT COSTS of SOLICITOR MORTGAGEE WHO ACTS ON HIS OWN BEHALF.

In *Sclater* v. *Cottam*, apparently a suit to carry the trusts of a settlement in execution, 5 W. R. 744, 3 Jur. N. S. 630, Vice-Chancellor Kindersley refused to allow the mortgagee of a life estate under the settlement, and who had acted as his own solicitor, the costs which he had incurred in defending his title other than costs out of pocket. The Vice-Chancellor observed "Now, one principle is, that the mortgagee is entitled, as between him and the mortgagor, to have taken into account, on a suit to redeem, any costs which he has incurrred in protecting his title to the mortgaged property. Another principle is that the mortgagee, though he may be entitled to certain expenses properly incurred in relation to the mortgaged property, as the expenses of employing a collector, cannot himself charge for his own trouble. For instance, he may employ a collector, but if he himself takes the trouble of doing it, although it would not be a greater burthen to allow him the remuneration, the principle is, that he shall not be allowed it in his accounts. Putting these two principles together, my opinion is, that I must come to the conclusion that the certificate of the chief clerk is right, and that these costs cannot be allowed."

From the statement of the case, it seems that the mortgagee had under his security been in receipt of rents amounting to £1,100, from which he claimed to deduct, among other moneys, his costs, including profit costs, and it is observable that a mortgagee in possession is constructively a trustee of the rents and profits which he receives (see Lewin, p. 155); but, as the Vice-Chancellor observes, "it is not the same as the case of a trustee being allowed (query disallowed?) his costs," it may be questionable whether he rested his decision on the mortgagee's possession.

In *Price* v. *McBeth*, 12 W. R. 818, 10 Jur. N. S. 579, a puisne mortgagee filed his bill against the prior mortgagees and the mortgagor for redemption and foreclosure. A decree was made in the useful form, directing an account of what was due to the prior mortgagees for principal interest and the costs of their suit They had not however been in possession of the mortgaged property. On taxation, the plaintiff objected that they ought not to be allowed profit costs, but the taxing-master allowed them *the same costs as he would have allowed them if they had employed other solicitors to act for them.*

Mr. Wainwright, the taxing-master, in his reason for decision, stated, that a solicitor acting for himself, as plaintiff or defendant in a suit, had always been allowed his profit costs as if he had acted for others, except in the case of a a solicitor acting for himself as trustee; that a mortgagee, until he was repaid, was not a trustee, but a creditor; that, up to the case of *Sclater* v. *Cottam*, (*ubi sup*)., the cases in which a mortgagee was not allowed to charge for his time and trouble, seemed to have been cases of a mortgagee in possession receiving his own rents, and doing his own business as other individuals might do, and seemed not to have applied to the privilege of a solicitor acting for himself in a suit, and charging his fees in that suit. In *Sclater* v. *Cottam* the decision was not that the solicitor-mortgagee should not have his profit costs in that suit, but that he should not have profit costs for defending two other suits, which costs he claimed in the nature of just allowances to him as a mortgagee.

A motion was made on behalf of the plaintiff that the taxing-master might be ordered to review his taxation. The items to which ob