

were that Darling J. when presiding at the assizes at which a man named Wells was about to be tried before him for publishing indecent and obscene words, made some observations in court deprecating the publication in the newspapers of particulars of the case, and warning the public of the consequences of so doing, and stating that he hoped and believed his advice would be taken, but if it was disregarded he should make it his business to see that the law was enforced. On 16th March, after the trial of Wells, which had resulted in his conviction and after sentence passed, and whilst the assizes were still continuing and Darling J. was still sitting, the defendant published the article in question. Whereupon the Attorney-General obtained an order calling on the defendant to answer for his contempt. On the return of the order it was admitted that the article was a contempt of court, and the defendant filed an affidavit expressing his regret and apologizing to the court; he was, nevertheless, ordered by the court (Lord Russell, C.J., and Grantham, and Phillimore, JJ.) to pay a fine of £100 and £25 costs, and to be detained in custody until payment. The Reporter adds a note that the practice in such cases has recently been to obtain an order directing the accused to appear and answer for his contempt, referring to *Onslow and Whalley's Case* L.R. 9 Q.B. 219, and he adds "the procedure by writ of attachment seems to have been superseded."

**PRACTICE—COSTS OF REFERENCE—REFERENCE OF ACTION TO ARBITRATION—
SCALE OF COSTS.**

In *Street v. Street* (1900) 2 Q.B. 57, the Court of Appeal (Collins and Romer L.JJ.) has given what Romer L.J. calls a "coup de grace" to *Moore v. Watson* (1867) L.R. 2 C.P. 314. The point of practice involved was simply this: The action was brought to recover £90, the alleged balance of a builder's account, and, on the application of the plaintiff, had been referred to an arbitrator agreed on by the parties. The costs of the action were ordered to abide the event, and the costs of the reference and award were in the discretion of the arbitrator. The arbitrator awarded the plaintiff £33 and ordered the defendant to pay the costs of the reference and award, but gave no direction as to the scale on which they should be taxed. *Moore v. Watson* had practically decided that, under such circumstances, the costs of the reference and award are in effect part of the costs of the action, and are taxable