

THE LAW OF ARBITRATIONS.

for his position. He is clear-headed, quick in dispatching business, and has a wonderful knack of finding his way through the voluminous papers which are characteristic of bankruptcy proceedings. Hitherto he has done little more than hear County Court Appeals, in the course of which he has made it clearly understood that he has a keen eye for the fraud which is the inseparable incident of many of the cases which come before his notice.

At this moment the judges are sitting in committee, to consider the desirability of remodelling the present arrangement of the circuits. This is a serious matter involving many considerations. From the point of view naturally adopted by the judges and the bar, it is manifest that concentration is a thing much to be desired. Over and over again in the secluded rural circuits does the pompous procession of two judges with their retinue move from town to town to find either a blank calendar, or else nothing but two or three cases, of which a police magistrate would dispose in half an hour. On the other hand the authorities in the threatened assize towns are loud in apprehensive complaint; nor are they without logic to support their claims. For the provincial suitors, the circuits are a great advantage and saving of expense, for the prisoners they are infinitely serviceable. As matters stand even now, it is with difficulty that a prisoner, who is generally miserably poor, can, even if he is innocent, procure the attendance of witnesses. Yet now he is tried in the very locality in which the crime was committed, while, if the advocates of concentration prevail, he may be compelled to "stand on his deliverance" far away from his native county. The way out of the difficulty seems to be provided by the proposal to establish District Criminal Courts, to which London opinion is unfavourable; nevertheless, it is safe to predict that they must come, and must

come soon. The question is one in which regard for the liberty of the subject pulls in one direction, and the pecuniary interests of solicitors doing a large agency business are on the opposite side, and it is earnestly to be hoped that the arguments of justice and humanity may prevail. Nor, perhaps, is it entirely unworthy of notice, that the circuit system is one of venerable antiquity.

London, March, 17th.

SELECTIONS.

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THE case of *Fraser v. Ehrensperger*, reported in the March number of the *Law Journal Reports*, besides setting at rest on the authority of the Court of Appeal a question which has for twelve years rested on the authority of three judges to one, calls attention to the present chaotic state of the law of arbitrations. Much pains have of late years been taken to simplify and consolidate the procedure of the Courts, but although arbitrations have increased in number and importance of late years, nothing has been done since 1854 to improve the law on the subject. The law undoubtedly requires improvement both in form and substance. It has for its foundation certain rules of the common law which to modern notions are of a barbarous kind, supplemented by three statutes, one of them nearly two hundred years old, and the other two confusing in an almost inextricable manner two things which are totally distinct—namely, the reference of actions to arbitration and arbitrations without action. The subject commends itself to Chambers of Commerce and similar institutions, because not only is it faulty in form, but deficient in substance. Belonging, as it does, to a branch of law peculiarly important to laymen, it is not only unintelligible except to lawyers, but it has several pitfalls not visible by the light of nature. The most dangerous of these was illustrated in the case in question. It is now clear on the authority