arrears that, "in these days of telegraphs and telephones, it is three whole months before an official of the Chancery Division of the High Court of Justice can even look at the papers." He suggests to the Lord Chancellor that "the appointment of a couple of energetic men as taxing-masters would mightily help to cleanse the augean stable." This is a very severe epithet for a lawyer to apply to the sweet and savory source of his professional income. But evidently there is an immense amount of red tape about the affair of costs. On a single page of the *Law Times* we find numbers of advertisements of persons who engage to facilitate the taxation and payment of costs. One advertises the "day by day system"—a reference to "daily bread," probably; another posts "arrears of costs"; another furnishes "copyright books and forms for costs," while others "work up every description of costs in arrear," and so on. We would invite our English brethren to an adoption of our system of costs, which grants a few fixed allowances for specified services, irrespective of their extent, and thus gives trouble to nobody but the losing party. But the "taxing officers" will probably object to the change, for it seems that the fees earned by them in the year 1870-1 amounted to £28,849; 1871-2, £32,000; 1872-3, £28,807; 1873-4, £31,698; 1874-5, £30,954; 1875-6, £26,544; 1876-7, £30,780 18s. 6d. Now, if it costs so much to ascertain the costs, what must the costs themselves be?—*Albany L. J.*

SWITZERLAND.

THE DEATH PENALTY.—Up to 1874 it was competent to each canton in Switzerland to use the penalty of death at its discretion. The central authority then abolished the punishment throughout the country. Since that date there has been a re-action in public opinion; and now fourteen out of twenty-two cantons, and a majority of the whole mass of voters, have pronounced in favor of a measure to restore the right of discretion to the several cantons. Increase in the number and enormity of crimes of violence is said to have brought about the change of opinion; but it is probably to be attributed to that reflux in thought, which is almost an inevitable law in the early stages of big controversies. Believers in the march of civilization do not doubt that at some future date Europe will bid farewell to capital punishment; but, at present, the majority of people hold that the example of sparing life should be set by malefactors, and not by legislatures or judges.—*Ib.*

GENERAL NOTES.

—An ancient saw, relating to the results of referring to a personage supposed at the time to be distant, was recently illustrated at the Rolls. The learned Master of the Rolls, in the course of a case relating to infringement of a design, had just been remarking that no decision of the English courts was reported on the point before him, while there appeared to be numerous decisions of the American judges directly bearing upon it. Hereupon a gentleman came into court, sent up his card, and was requested to take a seat on the bench. After shaking hands with the visitor, the Master of the Rolls announced that he was Mr. Justice Treat, an American judge, and at once proceeded to avail himself of the legal knowledge of the assessor so opportunely and unexpectedly provided.—*Solicitors' Journal.*

—Sir Toby Butler, Solicitor-General in 1689, was pledged "not to drink a drop of liquor" until he had made his argument in a case of vast importance, and acquitted himself so ably that Bench and Bar complimented him for his able speech; yet when the attorney expressed his conviction that the success was owing to abstemiousness, "Not so fast, my friend," replied the jolly old toper, "perhaps it was the other way." "Why, Sir Toby," exclaimed the attorney, "surely you have not broken your pledge?" "What was that?" demanded Sir Toby. "You pledged your word you would not *drink a drop* of liquor until you concluded your argument." "Nor have I," answered the barrister; "I did not *drink a drop*, but I soaked two fresh penny loaves in two bottles of claret, and *I ate them!*"

—There are no divorces in France, only judicial separations. From 1846 to 1850, there was an average of 1,080 of these, which in 1876 had increased to 3,251. Out of the hundred only fourteen separations were asked for by the husband.