finding. We notice that Mr. Justice Wilson dissented from the opinion of the majority of the Court.

CONCERNING COSTS.

A story is told by a friend of Campbell the poet, that when visiting at the house of the family, he and Thomas, then about thirteen, were speaking of getting new clothes, and descanting in great earnest upon the most fashionable colours. Tom was partial to green, the other preferred blue. "Lads," said Campbell's father, in a voice which fixed their attention, "if you wish to have a lasting suit, get one like mine." They thought he meant one of a snuff-brown colour, but he added, "I have a *suit* in the Court of Chancery, which has lasted thirty years, and I think it will never wear out." Playing upon the same subject of the traditional length and consequent expensiveness of Chancery cases, Swift in the person of Gulliver, informed the King of Brobdignag about his father having been ruined by a suit in Chancery, in which, after twenty years' litigation, he had obtained a decree in his favour *with costs*. Now-a-days these anecdotes only remind one of what has been. Suits in Chancery are now disposed of as expeditiously as actions at law, and if, in any instances, they seem to be longer, it is usually because these suits are many-sided, involve various issues between the different parties and contain sufficient material to form the staple of half-a-dozen ordinary common law actions.

However, costs are always a subject of much interest both to the suitor and his professional adviser. Mr. Jacob's happy thought about the pertinacity of counsel has been embalmed in one of the judgments of James, L. J. "I was informed," he says, "forty years ago, by the late Mr. Izech, that questions in this Court with respect to the importance attached to them, and the zeal with which they were argued, are in the following ratio:—Practice, first; costs, second; and merits, third and last:—*Attorney-General* v. *Earl of Lansdale*, 19 W. R. 235. But the point of even these sayings is becoming gradually less appreciated under the improved procedure of the Courts and the disposition manifested by the ablest judges to adjudicate upon the merits, even at the sacrifice of form and precedent. In regard to costs, it may be now said that there are settled rules for awarding these, both at law and in equity, which can readily be applied to each particular case. Although formerly it seems that an astute counsel could beguile a jury into giving him costs with only a farthing damages, as in the oft-cited instance of the Welch counsel, John Jones, whose advocacy almost always resulted in the jury finding "for John Jones, with costs," yet now it is well settled that a jury cannot award costs: *Campbell* v. *Linton*, 27 U. C. R., 563. And indeed, it is not seemly to discuss such a question before the jury: *Carrick* v. *Johnston*, 26 U. C. R. 69.

The leading principle, fixed by statute law and by the course of the Court in Equity, is to award costs to the successful litigant. Another principle is that when the relief sought in a superior, can be obtained in an inferior court, no greater costs will be taxed than could have been obtained in the lower forum, and at law a set-off of the defendant's extra costs is provided for by statute, in this Province. The Courts in England have gone to great lengths in allowing costs to "follow the event." It has been held by the House of Lords in *Garnett* v. *Bradley* just the other day that in an action of slander, where the verdict was one farthing damages, the plaintiff was