

that, as the plaintiff had discharged him, his costs should be first paid. North, J., held that as the action was of a representative character, in which other persons were interested, the solicitor was bound to deliver up all documents he had received since the commencement of the action, and for the purposes of the action, to the new solicitor, subject to his lien, and upon an undertaking to return them to him when the court should direct.

Notes on Exchanges and Legal Scrap Book.

PUBLIC TRUSTEE IN ENGLAND.—The hostility of the legal profession to the proposal of the Government to establish an official department to transact the business now carried out by private trustees is rapidly gaining in extent and force. Upon the widely-spreading notion that it is the duty of the State to take under its ample wings the personal concerns of all its "chicks," we are not disposed to make any comment here. We desire to direct the attention of our readers to the proposed appointment of a public trustee on the sole basis of this particular case. This course is quite sufficient for our purpose, which is to point out the needlessness and danger of the proposal. The advocates of the change pin their faith, not so much to the merits of their own proposal, but to what they are pleased to regard as the great number of cases of misappropriation of trust funds. Is this an attitude which facts justify? We venture emphatically to declare that the instances of dishonesty are very few compared with the extraordinarily large number of trusts which are faithfully and ably carried out. It is well to remember, too, that the legal reformers who desire to establish a public trustee do not assume a logical position upon this important branch of the question, because they do not go so far as to propose that the public shall be compelled to resort to the official department they wish to create. The adoption of the official plan of administering trusts is to be optional. How can they claim, then, that their scheme would destroy the dishonest trustee? We believe that it would effect scarcely a vacancy in the ranks of the evil race. The statement which our observation leads us to make is that the cases in which trust funds are misappropriated are usually those in which the trustees have been on intimate terms with the testators, who possessed more than ordinary confidence in them, and who were certainly not the men to avail themselves of the advantages of an official department, if one had existed in their time. The necessary absence of compulsion must almost inevitably render the scheme a failure, and the simple result of the legislative wisdom expended in conceiving and propounding it will be an expensive department with idle officials; the mouse that will come out of the mountain will be a reproduction of the Land Registry; the egg that will be laid by the parliamentary hen will be a soft-shelled one. In any event the cost of a public trustee would be greater than the expenditure required under the present system. Officialism, like science, "travels slowly on from point to point." A public trustee could not possibly