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LAW COSTS IN ENGLAND.

The subject of costs is one which periodically comes up for discussion in England, but although the procedure in the Courts has been considerably simplified, the part of the community that is engaged in litigation still groans under the enormous expenses which are involved in a resort to a legal tribunal. Recently, attention has been again attracted to the subject, by some proceedings connected with an estate in bankruptcy. Two trustees were appointed to an estate, the assets of which realized about £2000. The committee of inspection voted £586 for the remuneration of the trustees, who actually received £388; and the solicitor's costs amounted to about £600. Lord Justice James thought it monstrous that nearly £1200 should be charged for realizing a petty business, and characterized it as "plunder of the estate." Professional journals in England favor the view that charges might be greatly cut down. The *Law Times* asserts that the abuses of the bankruptcy system are equalled by those attending the administration of insolvent companies. Liquidators and trustees incur enormous expenses in carrying on litigation for the supposed benefit of the estates under their charge. These expenses run up "with a rapidity which is simply amazing. Ultimately the expenditure is brought home to the creditors, and they become impressed with the conviction that law is a terrible and a costly thing." The *Law Times* is probably right in supposing that this condition of things is not for the good of the profession, for there can be no doubt that the ruinous cost of litigation checks and stifles a vast number of well founded suits which would otherwise be instituted. Referring to a report of the Manchester Chamber of Commerce, favoring the organization of a court of private arbitration, our English contemporary says:—"We do not think the particular prospect a good one. We do think that the prospect of arbitration is one which will more and more commend itself to the public mind, unless something is done to reduce the cost and delay of litigation in the courts of law. Lawyers, we believe, are beginning to recognize the fact that litigation is declining. They are slowly realizing the fact that commercial causes are the exception rather than the rule, even in the city of London. Our courts are mainly exercised with proceedings for libel, civil and criminal. Let lawyers look to it before it is too late. There are those who think an extension of county court jurisdiction would solve the problem and provide cheap, expeditious and righteous decisions. We are not of those. It is by the improvement of proceedings in the high court, by the control by the courts of irresponsible litigants, by the abolition of intermediate courts, by the limitation of interlocutory proceedings and appeals, and by the restriction of the number of lawyers, and a more sensible and rational system of remuneration for their services, and, lastly, by the discouragement by solicitors of preposterous payments to counsel, that confidence can be given to the public, and ruin no longer be considered synonymous with an action at law."

AUTHORITY OF PREVIOUS DECISIONS.

The Master of the Rolls, in a recent case of *Osborne* v. *Rowlett*, L. R. 13 Ch. D. 785, made some observations with reference to the authority to be allowed to previous decisions of Courts of co-ordinate jurisdiction. These remarks seem to make the task of overruling precedents dangerously easy. "I have often said, and I repeat it," said his Honour, "that the only thing in a judge's decision binding upon a subsequent judge is the principle upon which the case was decided; but it is not sufficient that the case should have been decided upon a principle, if that principle is not itself a right principle, or one not applicable to the case, and it is for a subsequent judge to say whether or not it is a right principle; and, if not, he may himself lay down the true principle. In that case the previous decision ceases to be a binding authority." This seems to be saying almost in so many words that the opinion of the subsequent judge is to prevail over that of the judge who decided the previous case—a rule which judges commonly follow more or less openly, and it is per haps as well to do so as to get over the previous decisions by some of the expedients that are