

CORRESPONDENCE.

&c., to this sum of \$14,354.24. But a still further reduction has to be made; Mr. McKellar makes no allowance for that proportion of suits, which did not end merely with the issuing of process, but which were continued on to judgment, and in which the litigant had the protection of the taxing officer's taxation. In such suits, if a charge for serving process was made the charge would be disallowed by the Clerk, and the attorney would lose the charge for his services, or that sum which he had paid to others for doing work, for which the Sheriffs only can be paid as against the litigant. Now, of the total number, alleged by Mr. McKellar, to have been served by the attorneys, fifty per cent. is not too much to put this proportion at, therefore the above mentioned sum of \$14,354.24 has still further to be reduced by fifty per cent. of the \$20,506.05 "alleged to have been collected, with much more, &c." The amount collected by the attorneys therefore, on Mr. McKellar's own figures, in place of being \$20,506.05, would be \$4,101.21. Now, admitting for a moment that the profession did collect this \$4,101.21, they did so, Mr. McKellar does not deny, for services duly rendered; the exact services, in fact, for which the 'public would have had to pay the Sheriffs, had they done the work, the sum of \$20,506.05. But, again, is it fair or just of Mr. McKellar to say that the profession collected even the \$4,101.21? He offers no proof, but that of his own assumption. What Mr. McKellar puts to paper, he must either believe, or dis-believe, to be true. If the former be the case, then he assumes that lawyers are all dishonest; if the latter be the case, then he proves himself as bad as one of the legal gentlemen of whom he writes. Mr. McKellar, however, does not so assume against the profession. The petition of the Sheriffs, to which his name is subscribed, negatives such an assumption. It seeks to be laudatory of them (4th par.), with an object to be suspected, but not to be mentioned; but the class he refers to, "whose practices he desires to bring under the notice of the House," he singles out in the 5th par. of the petition. So that even this sum of \$4,101.21 has to be lessened.

It has to be reduced, by the proportion towards it, which those of the profession bear, who are within the 4th par. of the petition, and to the practices only of this particular class who come within the 5th par. of the petition. The reduction will be a large one and the balance, improperly collected, small indeed, for after the lapse of *two years*, "during which time," Mr. McKellar tells us in his own words, he "has made most diligent inquiry;" he is in a position to point out eight bills of costs, and on the strength of these eight bills of costs, taxed by the aforesaid County Court Clerk of Waterloo, Mr. McKellar deliberately charges that the profession has collected improperly and illegally \$20,506.05, "and much more." These eight bills of costs, however, do not prove it, and Mr. McKellar knows it. They prove however something, and that is, that litigants, if they are improperly charged, have a remedy. As Mr. McKellar had the aforesaid bills taxed, so can any individual who is dissatisfied with the charges of a solicitor. A client or litigant always could, and still can, have his bill taxed, and, if a member of the profession lends himself to dishonesty his earthly punishment will come fast and furious from the Society of which he is a member. Then, too, the law being that, unless the service of process is performed by the Sheriff, no fee therefor can be taxed (with which Mr. McKellar is not content, but wants more), the taxing-officer disallows the charge if made, and in the majority of cases bills of costs go before the Master for taxation. Again (at p. 38), Mr. McKellar's figures are inaccurate and designed to mislead. It appears that, in each of four suits, Division Court Clerks were employed to serve papers, and Mr. McKellar would have the impression formed that the fees charged by these clerks, were extracted from the litigant by the attorney. It is more than likely that, in each of these cases, the attorney forfeited the fee charged, as is constantly the case, as all lawyers know, when the loss of this fee is better than the risk of delay or other inconvenience in connection with service by the Sheriff.

Enough has been said to shew the utter unreliability of Mr. McKellar's pamphlet;