

NEW TARIFF OF FEES.

in question; but it is not at all manifest that the lessor would ask a reformation of the unlimited instrument, or that a court of equity would impose a reformation upon him "in spite of his teeth," to use the vigorous judicial expression of Ventris, J., in *Thompson v. Leach*, 2 Vent. 206. (This point is adverted to by Gwynne, J., when he says, "for the doing which (*i. e.*, the reformation by a court of equity), for any practical purpose, no actual necessity appears to exist" (p. 159). On this point we should like to see the case go to appeal; but perhaps "*la jeu ne vaut pas la chandelle*."

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It is not as a matter of information, but rather historically, that we refer to the new Common Law tariff of fees. It had long been thought that the former tariff, which was well enough in its way, many years ago, was simply absurd when looked at with reference to the increased price of everything, and the expense of living in these days. There has been an advance in everything except fees to lawyers; and to make things worse for them, much of the routine business, done formerly by professional men, has fallen into the hands of "conveyancers," (save the mark!) "collectors," "agents," *et hoc genus omne*. The Insolvent Acts have also done away with a large and lucrative class of business, the profits of which now go to make fat official assignees. We shall not pause now to discuss the folly of lawyers allowing themselves to be robbed by these unprofessional and unlicensed "spoilers," nor the helpless docility of creditors, who see their debtors' estates eaten up by the bills of official assignees before their eyes. But the result is that nothing is left to the profession but *special* business. This is paid for at prices that were considered fair for *routine* business that a junior clerk could do, when one's yearly expenses were less than half what they are now.

The old tariff was drawn up with apparently the most hazy ideas as to the practical working of it, though this may have been the result partly of the transition from the old practice to the new, and consequent uncertainty of it. The taxing officers, or at least some of them, did not mend matters, as they seemed to be under the impression that they were appointed, not to give a fair and reasonable

interpretation to the tariff, but to cut down fees under every possible excuse by virtue of strained and impossible readings of the tariff. They were assisted in this by the ingenuity of smart managing clerks and short-sighted attorneys, striving to cut down their opponents' bills of costs.

Some time ago several energetic members of the profession, both in town and country, familiar with the subject, and knowing, from an extensive practice, the defects and unfairness of the old tariff, met together and drafted a new tariff of fees, which was submitted to the Judges. Their lordships responded to the appeal with much courtesy; but feeling themselves placed, as it were, between the public and the profession, thought it their duty to make some alterations in the proposed tariff, and to cut down some of the charges. We are not prepared to say that the changes which have been made make a perfect tariff; but it is a decided improvement upon the old one both in arrangement and in detail, and will be looked upon as a boon to an ill-paid class, whilst the public have been protected from those whom they affect to look upon as their natural enemies.

The new tariff speaks for itself. In some respects it is still defective, witness for example, the omission of any provision as to fees to professional men, surveyors, &c. This arose, we understand, from an omission by the person who copied for the printer the tariff as settled by the judges. This, however, is immaterial, as the old tariff can be looked to to supply the omission. The new tariff will not affect any business done before the 20th day of May, being the first day of this present Easter Term.

We are glad to say that the taxing-masters at Toronto have so far shown a desire to read and interpret it according to its "true intent and meaning" as a remedial measure, and therefore to be construed liberally in favor of those for whose benefit the changes were made. We trust practitioners, proverbially so careless of their own interests, being themselves officers of the Courts, will act as fairly to their brethren on taxation, as they do to their clients. More we do not want; but that we are entitled to.