

CORRESPONDENCE.

Taking his standpoint, then, the evil will remain the same (if a change is made) for the public, instead of paying Peter, will have to pay Paul. What in the past they have paid the lawyers (as it is alleged), in the future, they will have to pay the Sheriffs. But the fact is, any change in the direction Mr. McKellar proposes, will increase the evil against the public, if any such now there be. There are but few of the profession who exact fees to which they are not entitled; such instances are rare, and it therefore is the exceptional suitor only, who suffers from business contact with such of the profession; and he, be it understood, has his remedy, but how will it be if Mr. McKellar's wishes are fulfilled. Then, in every single suit in which a writ is issued or a bill filed and served, the suitor will have to pay a fee. Kith and kin all alike must pay. The Sheriff charges the lawyer, and the lawyer charges the client. The lawyer collects, and the Sheriff receives. What now is a rare exception, then will become an unexceptional rule. The public can the better understand the effect of Mr. McKellar's proposed legislation by a comparison of his own figures taken from his pamphlet. At p. 28 it appears that the number of bills in Chancery and writs of summons issued in the year 1876 was 20,380. Of this number Mr. McKellar admits that 11,066 were served by Sheriffs, leaving a balance of 9,314, which he alleges were served by attorneys. The fee for service of each of these 20,380 was Mr. McKellar says (at p. 28) as follows :

S. C. process,	6,556 at \$2 70 =	\$17,701 20
I. C. " "	11,245 at 1 80 =	20,241 00
Chan. " "	2,579 at 2 25 =	5,802 75
	<u>20,380</u>	<u>\$43,744 95</u>

Now, had the Sheriffs served the entire 20,380, the public would have paid, and the Sheriffs received the moderate sum of \$43,744.95; from this one source alone, an average sum of \$1,182.29 for every Sheriff in Ontario. Mr. McKellar's shrievalty, however, is a large one. His own figures (p. 27) shew what he would have received

from this one source, exclusive of any charge for mileage, for the year 1876 :

S. C. process,	404 at \$2 70 =	\$ 686 80
I. C. " "	779 at 1 80 =	1,402 20
Chan. " "	163 at 2 25 =	666 75
		<u>\$2,755 75</u>

Close on to \$3,000.00 to Mr. McKellar for merely serving writs and bills alone; and this is the man who is not satisfied. But Mr. McKellar says, the attorneys served the balance, viz.: 9,314. Admitting this, for one moment, then the public saved the nice sum of \$20,506.05 by the attorneys, and not the Sheriffs doing the work, according to his own figures, as follows :

S. C. process,	3,511 at \$2 70 =	\$9,479 79
I. C. " "	4,512 at 1 80 =	8,121 60
Chan. " "	1,291 at 2 24 =	2,904 75
		<u>\$20,506 05</u>

Or the difference in fees, for what work the Sheriffs did do, and what they might have done if, in 1876, Mr. McKellar's sordid legislation had been on the statute book. But Mr. McKellar gets over this view of the matter by flatly asserting that this \$20,506.05 "has been collected by the profession, with much more, as shewn by the taxed bills of costs herewith published" (p. 28). This I as flatly deny; a small fraction of this amount may have been collected by irresponsible lawyers, as I have before admitted; but, when he says the entire \$20,506.05 "has been collected by the profession, with much more," he writes whereof he knows naught. What allowance has he made for the numerous cases in which writs and bills were issued, and nothing more was done. He says the total number of writs and bills issued in 1876 was 20,380, of which 11,066 were served by the Sheriffs, therefore this allowance must be deducted from the 9,314 alleged to have been served by the attorneys. Thirty per cent. of this 9,314 (or ten per cent. off the number in each Court), is not too much to put this allowance at, reducing thus, the sum of \$20,506.05, alleged by Mr. McKellar to have been "collected by the profession, with much more," &c.,