upon advice of their solicitors and counsel—what the result of such action will be to them, if and in the event that their contention as to their rights be not well-founded. It is my opinion that ninety-five per cent. of all litigation is entered into by the parties thereto in an absolute and honest belief in the merits of their cause, and it has been my view that to completely indemnify the winner against the loser for costs is a wrong principle.

We find from investigations in the United States jurisdictions, where there are no costs except disbursements, that the system is looked upon with the utmost favor both by litigants and by lawyers. A case is taken into court, or is defended as the case may be, on its own merits, without any contemplation of making money out of the other party by way of indemnifying costs.

On the other hand, it is my opinion that that system is open to this criticism, that with the complete abolition of the indemnity, the way is open for people to start litigation without due regard to the consequences if and when they fail, for they have only to consider the payment of their own costs in the event of losing. Eminent counsel in the United States have agreed with this criticism of this system, but state that notwithstanding this criticism, they prefer very much their system to ours, and would not consider at all the introduction of an indemnity system of costs. However, they have been raised and educated to that viewpoint and it is not for me to go further than to illustrate their point of view.

The opinion arrived at by the Bar Association is that a reasonable indemnity should be maintained. We have, therefore, introduced into our tariff the principle of creating a maximum amount to be paid by the losing party to the winning party, which maximum we estimate as being reasonable compensation for an ordinary average one-day action in court. Any expenses and costs that are incurred over and above the amount of this maximum must be met by himself, if he is a winner or a loser, and if he is the loser, he is required only to pay the maximum which we have set. Therefore he is in a better position to pay his own solicitor a more reasonable compensation for the conduct of his case.

In the course of our investigations, we ran across the system in use in Ontario and Alberta known as the block system in which all the work required to be done in the different phases of an ordinary action are lumped together in one item and in one sum, which is nothing more or less than simplification of the itemized tariff which we now have, with a re-adjustment of the values placed upon certain phases of the work, and instead of 230 items, we have in our block system of tariff 28 items.

The Vancouver Bar Association, having completed this work, submitted the matter to the Victoria Bar Association and then to a meeting of the newly organized British Columbia Bar Association and we secured the almost unanimous endorsement of the members of the Bar of British Columbia. It was then submitted to the Honourable the Attorney General, who, with his departmental officials, thoroughly perused it, and it has received his approval.

Finally it was submitted to the members of the Supreme Court, and received their approval. It has now been approved by the Lieutenant-Governor-in-Council, and it is expected that it will come into force on March 1st, 1925.

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