

working of the system. Nearly if not all the cases brought before the public to illustrate the argument for Law Reform, are traceable to the very heavy costs of Chancery proceedings—to the abuse of “privilege” (now abolished) by which attorneys sued in the superior Courts in their own name on small demands, or where costs of a large amount were improperly demanded, which the law would not sanction, and which would have melted away in the purifying fire of the “taxing office.”

Every professional man, who has had a few years experience in Canadian practice, is well aware, that any change in the legal system which would reduce the costs of a contested law suit to any trifling sum, would, beyond a doubt, increase sixfold the quantity of litigation, and that the dread of expense oft-times exercises a salutary influence in settling trifling disputes, which would otherwise rapidly blossom into hotly contested actions. I do not, of course, advance this as any argument against a sound and thorough reform, whenever the same is found necessary.

I respectfully present these suggestions to the calm consideration of all those who have turned their attention to the question of “Law Reform.” I should not have thought of laying them before the public had I found any disposition among those whom I readily admit may be far better qualified than I pretend to be, to enter into the discussion.

I have written far too hastily for precision of style or felicity of expression, but the suggestions made have engaged my gravest and best consideration—and I may, without presumption, assert that I have seen quite enough of the practical working of our legal system to feel a strong conviction that they can be carried into operation with perfect safety to the due administration of the law, and with an abiding advantage to all those who may have to seek its aid or protection.

Toronto, April, 1850.