

SIMPLIFICATION OF PROCEDURE.

To the Editor of the **LEGAL NEWS**:

SIR.—The case of *Blackford v. McBain*, of which I send you a report, shows as clearly as any one case can show, the need of simpler methods of procedure. The judgment is without doubt in accordance with the terms of the law; but a slip of the pen in the prothonotary's office (which works no injury to the defendant), is sufficient to cause the dismissal of an action from Court, and to throw upon the back of the unfortunate plaintiff the unwelcome weight of a big bill of costs. It is, too, at least open to question, whether the error could have been remedied by amendment, the writ being under Art. 51, C.C.P., an absolute nullity.

It is beyond contradiction that a great part of the proverbial uncertainty of the law is due to the intricacies of our system of civil procedure. Listen to the arguments in the third division. Every day our oldest and best lawyers are getting tripped up on some point of practice which is, in itself, of small importance. What a nice question it is, for instance, when to attack a foreign allegation in a plea by motion, and when by demurrer.

The sole object of written pleadings is to put the opposite party and the Court in possession of your pretensions—to give the one an opportunity to rebut; the other a chance to judge. By all means let this principle be still adhered to, but why be slaves to the useless regulations of two hundred and twenty years ago? Let us put it out of the power of the litigious defendant to obstruct and harass his creditor until the latter is willing to compromise or abandon his claim. Forms are valuable; but they were made for the pleader, and not the pleader for forms. What we require is a general enactment providing that no exception shall be taken to any error in any writ or pleading wherein the summons is plain or the grounds of the pleader are fairly and fully set forth, unless the recipient can show that his rights have in some way been prejudiced by the informality.

CHARLES JAMES BROOKE.

A HISTORIC FIGURE.

Through all the old time of Kentucky State life there towers up the figure of the

justice of the peace. Commissioned by the governor to hold monthly court, he had not always a court-house wherein to sit, but must buy land in the midst of a settlement or town whereon to build one, and the contiguous necessity of civilization—a jail. In the rude court-room he had a long platform erected, usually running its whole width; on this platform he had a ruder wooden bench placed, likewise extending all the way across; and on this bench, having ridden into town, it may be, in dun-colored leggings, broadcloth pantaloons, a pigeon-tailed coat, a shingle-caped overcoat, and a \$12 high fur hat, he sat gravely and sturdily down amid his peers, looking out upon the bar, ranged along a wooden bench beneath, and prepared to consider the legal needs of his assembled neighbours. Among them all the very best was he; chosen for age, wisdom, means, weight and probity of character; as a rule, not profoundly versed in the law, perhaps knowing nothing of it—being a Revolutionary soldier, a pioneer, or a farmer—but endowed with a sure, robust common-sense and rectitude of spirit that enabled him to divine what the law was; shaking himself fiercely loose from the grip of mere technicalities, and deciding by the natural justice of the case; giving decisions of equal authority with the highest court, an appeal being rarely taken; perpetuating his own authority by appointing his own associates; with all his shortcomings and weaknesses a notable historic figure, high-minded, fearless and incorruptible, dignified, patient and strong, and making the County Court days of Kentucky for well nigh half a century memorable to those who have lived to see justice less economically and less honorably administered.—From “County Court Day in Kentucky,” by J. L. Allen.

GENERAL NOTES.

TARIFF OF NOTARIAL FEES.—The *Quebec Official Gazette* of June 28, contains a notice that the tariff of notarial fees, adopted by the board of notaries of the Province of Quebec on the 19th May, 1888, has been approved by the lieutenant-governor in council. The fee for deeds of sale varies from \$1 where the value of the property is \$100 or less, to \$10 where the value is above \$8,000, and not exceeding \$10,000. The fee for leases is \$1 when the annual value is \$100 or less; \$1.50 when above \$100 but not exceeding \$400; \$2 when above \$400 and not exceeding \$1000.