him? He will leave the profession in disgust, and his place will be taken by those whose moral faculties are more blunted, and appetite for plunder more craving. The result, in the language of the penny-a-liner, "may be more easily imagined than described."

In England it has not yet been attempted, as a rule, to limit counsel fees. The laborer there is worthy of his hire. One man is more deserving than another. While Mr. Addlepate might be delighted to receive the magnificent fee of ten dollars for pleading a case, Mr. Skilful would not accept the brief with less than fifty. And perhaps, after all, the services of Mr. Addlepate at ten dollars, would be dearer than those of Mr. Skilful at fifty. Why, then, attempt to put both these men on the same footing? Why say that no greater counsel fee shall be taxed than twenty dollars? What is the consequence? It is this: it compels the suitor to employ mediocrity, or else pay the difference between the fee for mediocrity and talent out of his own pocket. This is not as it ought to be. The rule is, that the party in the wrong should pay the penalty of his position by paying the costs of litigation. But if the fees of litigation are so small that no man of talent or respectability will accept them, then the party in the right, who employs a man of talent or respectability, must pay his counsel out of his own pocket, and so be a loser, no matter what the result of the litigation.

The principle of measuring a lawyer's fees by a tariff, and taxing them according to that tariff, is at best a doubtful one, and should not be stretched. Why should not the lawyer as well as the doctor be allowed to make his own bargain? There is no substantial difference between them. The one is employed to preserve and protect life; the other is employed to preserve and protect property. Each is a member of a liberal profession; each is licensed to practise the profession. There was a time when the Legislature of England endeavored to fix the value of different commodities, and of the services of different classes of the community, by acts of Parliament. That time is almost past. The only relic of it, in the case of commodities, is that of the usury laws or fixed price of money; the only relic of it, in the case of individual classes of the community, is that of lawyers. It is absurd to attempt to fix by law that which, owing to surrounding circumstances and lapse of time, must necessarily fluctuate. If money, like any other commodity, exceeds the demand, it will be cheap. If lawyers, like any other class of laborers, exceed the demand, their services will be cheap. Such is the law of supply and demand. It constantly adjusts itself to surrounding circumstances. But the attempt to fix the price of a thing fluctuating in itself, is as illogical as an attempt to curb the wind.

Lawyers must live. If they do not live strictly "by the sweat of their brow," they live by brain work—no less arduous. They are trained for a particular profession. For a consideration their services are offered to society. If the price for the services which the lawyer may at the instance of his fellow-men be called upon to perform are fixed by act of Parliament, why should not the price of services which he receives? He must eat, drink and live, like other men. If the shoemaker is not restrained by act of Parliament to a fixed price for his boots, why should the lawyer, who pays him for the boots? If the grocer, who supplies the lawyer with the necessaries of life, is not limited to a tariff, why should the lawyer, who pays for the groceries? If the laborer, who cuts the lawyer's wood, may charge less or more for his services, according to circumstances, why should the lawyer who pays be limited in his receipts? A fee of twenty dollars for pleading a cause, when provisions and other necessaries of life are cheap, may be a fair compensation, and yet no compensation at all if the price of provisions and other necessaries of life increase three-fold. If the prices of the necessaries of life increase three-fold, why should not the lawyer, whose expenditure is thereby increased, be allowed to make some corresponding increase in his charges? A tariff of fees for the services of lawyers is theoretically if not practically a rank absurdity. It is the remnant of absurdities which long since, as the statute book of England to this day testifies, have exploded.

Lawyers are eminently conservative in their views. Their whole course of duty is to administer the laws as they find them. Their whole training causes them to cling to conservative ideas. This is the reason why they still submit to fixed fees for specified services, centuries after others who were in like situation are released from the thraldom.

These remarks have been occasioned by the perusal of a bill, introduced last session, and again introduced during the present session of the Canadian Legislature, by Mr. Scatcherd—himself a lawyer of some little reputation.

This bill is entitled, "An Act to amend the law in relation to law costs in Her Majesty's Courts of Common Law and Chancery in Upper Canada." It is a most extraordinary bill. It professes to be a remedial measure. It recites that "the costs now allowed by law in actions and proceedings in Her Majesty's Courts of Common Law and Chancery in Upper Canada, are exorbitant and oppressive." Strange fact—that Upper Canada has been since its first settlement groaning under oppression, and that there has not been to this day one petition from one individual in support of this bill! But for the sake of argument, suppose the principle to be true, is the Legislature the proper tribu-