

GENERAL CORRESPONDENCE.

stand—at least, why they should not be responsible for legal errors.

Now, I chiefly commenced this letter with a view of trying to fix the attention of the profession upon the necessity of having some uniform understanding as to charges for conveyances. I think "A," a lawyer, has no right—no legal or moral right—because he is the next-door neighbor of "B," another lawyer, to charge only \$4 for drawing two long *farm leases*, or \$4 for drawing two deeds and affidavits, and so on, when "B," following a tariff fixed on by the profession, charges \$4 for one lease or deed. I say it is wrong for the members of the profession to be *beating each other down* at the instance of some niggardly client, who will go *from office to office* to see in which he can get his work done the cheapest. There should be a *known* and *uniform* standard of charges; it is the interest of all practicing lawyers that it should be so, just as it is with the medical men to observe their tariff. And if medical men can receive their fees why not lawyers theirs, in cases not provided for by law? If all adopt the tariff it is the duty of courts of law to allow such charges to be recovered upon a "*quantum meruit*." At common law no costs are allowable at all; then in all cases where professional men, or persons performing duties or works requiring skill, are employed, they certainly have the right to meet and fix a tariff of charges, and those persons who employ them are, after a reasonable time, presumed to know their charges.

In some of the Western American States the tariff of lawyer's charges is fixed on this principle in all the courts.

The tariff charges established by the members of the legal profession in Hamilton, at a meeting held at Norton's hotel on the 28th September, 1855, over which Wm. Proudfoot, Esq., presided as chairman, and Wm. Leggo, Esq., as secretary, fixes the amounts the profession are to charge for business not included in the ordinary tariff fixed by the Judges. About the same time a similar tariff—or somewhat similar, a copy of which I have not been able to find—was established by the bar in Toronto. These tariffs relate to conveyancing in all its branches, searches in the registry office, counsel fees at Courts of Oyer and Terminer, at the Quarter Sessions and Records' Courts, Courts of Appeal, County Courts, Courts of Probate and Surrogate, Po-

lice Court, Division Court, for advice, and for commission and business done in Parliament as lawyers. Since that time, in some of these courts—for instance in the Surrogate Court—a tariff of fees has been established for lawyers, and also in the Bankrupt Court. I do not propose (at least in this letter, which is already too long) to allude at length to the items of these tariffs, but will only refer to a few. For instance, I find that the Hamilton tariff allows \$4 for every common deed, and one-half for all duplicates. It allows \$1 for all common affidavits, including attendance and commissioner; and for every special affidavit, per folio of 72 words (the English way of calculating folios) 20 cents per folio. At this rate, a common deed would now cost not less than \$7, including duplicate and affidavits; and if an extra affidavit, \$1 more. A charge of 50 cents is made for every attendance at a public office, and every special attendance \$1 in the city, and if out of the city, \$2, to be increased \$1 for every extra hour where more than one mile out of the city. It charges \$1 for every letter and attendance upon special matters. For every common bond for a deed, or to secure money, \$4. For a lease with ordinary covenants, \$4—copies extra. For common chattel mortgage and affidavits, \$6. For certificate of mortgage, \$3, including affidavit. Fee on every examination of title, per hour, \$1. Instructions for special conveyance, \$2. Drafting special conveyances, per folio, 30 cts. Engrossing same, 15 cents per folio, on paper; on parchment, 25 cents. Fee on settling same, \$2, to be increased if very long or important. Fee on settling same with opposite counsel, \$5, to be increased in intricate cases. Opinion on validity of title, \$5, to be increased if important case. Entering satisfaction on judgment, &c., \$4. Advice in no case less than \$2, to be increased to \$10 if case important.

Now, just looking at these few charges, how many lawyers, it may be asked, are governed by the tariff? Not long since a person in Toronto called upon a lawyer to draw two farm leases, of five year's duration, for a large farm, and was told the charge would be six dollars, including a short bond to secure rent. The applicant or client turns upon the lawyer and says: "*I can get it done for four dollars by a certain firm of lawyers.*" Not long since, in Toronto, two long leases, for a property worth ten thousand dollars, were drawn, with