

this article. The first principle to bear in mind is that costs are payment for lawyer's services; the means by which he makes his living and that if the practice of law is to be decently and honourably conducted, it must offer to good men a fair and liberal return. For solicitors in England their fees were never looked upon as honoraria, they were always the lawyer's "wages" for work done and something to which he was entitled by right (see *Germyn v. Rolls*, Cro. Eliz. 425 to 459; *Thorsby v. Warren*, Cro. Car. 159), and in our country where the two professions are combined the right to recover fees is expressly given by statute. No sensitiveness, therefore, on the subject such as was manifested by Erle, C.J., in *Kennedy v. Brown*, 13 C.B.N.S. 677, should preclude us from considering the payment of fees in their true light, namely, as the lawyer's means of livelihood, and, when this is applied to modern conditions and cost of living, we shall at least have a sensible view point from which to observe this important topic.

It should next be pointed out that no system of fees can be satisfactory that does not consider the various elements of cost that enter into the conduct of this as of any other business or manufactory. A lawyer would make much fairer charges when he could more fully justify if to each piece of work done he could allot approximately the initial cost incurred in carrying it out. The elements of rent, taxes, wages, office expenses and interest on capital are just as real and just as insistently present in his business as in any mercantile pursuit, and no lawyer can say that his work has cost him nothing, because he has paid no cash for government fees, stamps or other out of pocket disbursements. If it were realized that everything done has cost money and if the amount of cost could be allotted in each case (and there is nothing to prevent it) a lawyer would know just how much he is giving a client when he undercharges or does work for nothing, and how much, therefore (and this is most important) he is overcharging some one else in order to bring his receipts up to a point that will enable him to live. It is not pretended that work must not sometimes be done for nothing