

to me that the sole test as to the allowance of such costs ought to be what has been the result of the production, that is, have documents been produced that were reasonably desirable, in view of the facts that have been brought out at the trial? In solicitor and client bills, costs of production that produced no real result might be allowed when the client authorized this work in writing. If proper rules be framed to secure what I suggest at once, a very needless expense will be eliminated in the majority of actions heard.

Again, why is it necessary to take out an order at all? Cannot the same result be accomplished by enabling the parties at the proper stage in the action, to serve a notice upon the opposite party requiring such party to make the usual affidavit of production, and why, when the affidavit has been made, should there be a notice of filing and a demand of a copy of the affidavit? The affidavit, when made, should be filed and a copy at once served upon the opposite party, and, even when production is desirable, the procedure I would suggest would lessen the cost of production fully one-half. I think, however, when documents are produced in proper cases, a fee of five dollars should be allowed counsel for inspecting and making extracts for briefing. I desire to see lawyers well paid for all work reasonably necessary.

There are other points to which I might refer, by which the costs of actions would necessarily be lessened, but, in ordinary actions, getting rid of the costs of examinations and productions, when—as is the case in the majority of actions—unnecessary, would reduce the general costs, as a whole, probably one-third. There are actions where a previous examination of the parties is not only desirable, but necessary, and there are many actions, no doubt, where the same rule would apply to the production of documents; but I think, broadly speaking, in a majority of actions, these elements in making costs may as well be eliminated, and this will occur when the solicitor knows that he is unlikely to secure such costs.

There are instances, of course, where actions are settled before trial, and in such actions the taxing officer should have power to deal with this question, and I would suggest that all bills of costs in defended actions should be revised in Toronto. I believe the country taxing officers would desire this as well, so