

LAW COSTS.

To the Editor of the Canada Law Journal.

SIR,—I have taken great interest in a letter by Mr. H. Percy Blanchard which appeared lately in your journal, in respect to our system of costs as opposed to that in vogue in some States in the Union. I have had some practical knowledge of the working of that system, and as far as I am concerned should oppose its introduction into this country.

In the first place, I suppose, that while there is law there will needs be lawyers, and as no class of workmen can exist without recompense, while there are lawyers there must be some fund from which such recompense shall come. I do not think we are sufficiently advanced in universal brotherhood to get along without courts, nor sufficiently steeped in Socialism to pay the lawyers out of the public purse and give everybody free litigation. The only other practical plans to pursue are to have the costs of both sides paid by the losing party—the English system, or to have each party practically pay his own costs, no matter what the result of the action, which I will call the American system.

Neither system will entirely satisfy everybody, for the honest creditor proceeding to attempt to collect an honest debt will object even more strenuously to pay a part to obtain his rights owing to the negligence or dishonesty of his debtor, than will the dishonest debtor when, after a struggle to avoid payment of his just debt, he finds himself saddled with the costs of both sides. And to all parties one fact must be evident, that the creditor has justice on his side. Of course, owing to the imperfections of human nature and human systems generally, the honest but mistaken suitor sometimes has to pay the piper. But between the two systems there is this distinction; under the English system the honest suitor runs a chance of coming out comparatively easily; under the American system, no matter how good his case, how honest his claim, he must pay heavily for his rights. For my experience is that unrelieved from the guardian eye of the taxing master, the clients fare worse than under the English system. Neither system will deter men from going to law, neither