

## GENERAL CORRESPONDENCE—APPOINTMENTS TO OFFICE—TO CORRESPONDENTS.

to the labour and skill expended, particularly as in this case he can exercise a discretion. If counsel in important bankrupt cases can only have \$14 taxed as the *maximum fee*, it is clear the time they give, and the skill they use, are very poorly paid for.

Now the words of the tariff of fees, when counsel are mentioned, are these:—"Fee on arguments, examinations and advising proceedings, to be allowed and fixed by the judge, as shall appear to him proper under the circumstances."

Looking at this language in connection with the general tenor of the tariff of fees which is evidently framed after the scale of Queen's Bench fees, one cannot see how the judge could come to the conclusion that he was confined to the tariff of an inferior court. He is clearly given a wide discretion in fixing the counsel fees—"He shall fix such fees as seem to him proper under the circumstances." The tariff gives 10s. for instructions, 2s. 6d. for each attendance, and 2s. 6d. for each letter, 5s. for a fee on rules, 5s. for a fee on subpoenas, &c. Just double the sums allowed in the County Courts. The tariff says witnesses are to have the same fees, and sheriffs too, as in the superior courts. The tariff says attorneys are to get \$2 for every special attendance on the judge, and for every hour after the first, \$1; to be increased by the judge at his discretion. Thus he is clearly given a wide discretion to decide. Yet in the case I speak of, where certainly the highest counsel fees should have been taxed, the paltry sum of \$14 for the final arguments, extending over nearly a week in Chambers, was given to the counsel.

The Judge, if governed by the Superior Court tariff, as I contend he should have been—or, using his discretion, could have been—might have given in this case \$80, or any sum less, but certainly should have given \$80. In the taxation of costs before the Judge there is no appeal: this is the greater reason why counsel should not be put upon the lowest scale of counsel fees.

Toronto, Oct. 10, 1867.

C. M. D.

Mr. Jefferson thinks that there is on the whole a rooted though unreasonable distrust of political lawyers in both Houses of Parliament, but especially in the House of Commons. There seems to be an impression when a lawyer rises to address the speaker "that he is pleading—

for place." Many an honorable and able man has been coughed and hemmed down under this unfair and absurd suspicion. Lord Campbell will have it that the Upper House cherish no hostility to lawyers; but that depends on circumstances. They liked Eldon and Lyndhurst; but Brougham, Erskine, and Westbury had scant courtesy from the hereditary legislators; and Thurlow was both feared and detested. He was fully capable, however, of asserting himself. When on one occasion the Duke of Grafton insolently taunted him with his plebeian origin, Thurlow fixed upon him his "terrible black eyes," surveyed him deliberately from head to foot, and, in a grand voice, said, "I am amazed." A fearful pause ensued, during which the unhappy duke shuddered at his own meanness and his antagonist's revenge; and then in a louder tone, Thurlow went on:—"Yes, my lords, I am amazed at his grace's speech. The noble duke cannot look before him, behind him, or on either side of him, without seeing some noble peer who owes his seat in this House to successful exertions in the profession to which I belong. Does he not feel that it is as honorable to owe it to these, as to being the accident of an accident? To all these noble lords the language of the noble duke is as applicable and as insulting as it is to myself. But I don't fear to meet it single and alone. No one venerates the peerage more than I do; but, my lords, I must say that the peerage solicited me, not I the peerage. Nay more, I can and will say that, as a peer of Parliament, as Speaker of this right honorable House, as Keeper of the Great Seal, as Guardian of his Majesty's conscience, as Lord High Chancellor of England—nay, even in that character alone in which the noble duke would think it an affront to be considered, as a man—I am at this moment as respectable—I beg leave to add, I am at this moment as much respected—as the proudest peer I now look down upon."

Sir Thomas More himself was full of quiet humor, and endless good things uttered by him are in vogue. He conveyed this humor with him to the block. "Finding in the craziness of the scaffold a good pretext for leaning in friendly fashion on his jailor's arm, he extended his hand to Sir William Kingston, saying 'Master Lieut. I pray you see me safe up; for my coming down let me shift for myself!' Even to the headsman he gave a gentle pleasantry and a smile from the block itself, as he put aside his beard so that the keen blade should not touch it. "Wait, my good friend, till I have removed my beard," he said, turning his eyes upward to the official, "for it has never offended his highness!"

Hatton once uttered a capital pun:—"In a case concerning the limits of certain land, the counsel on one side having remarked with explanatory emphasis, 'We lie on this side, my lord;' and the counsel on the other side having interposed with equal vehemence, 'We lie on this side, my lord,' the Lord Chancellor leaned backwards, and drily observed 'If you lie on both sides, whom am I to believe?'"