Judges in Appeal should arrange the circuits, so that the Chancery circuits should not interfere with the others, as was the case sometimes at present. This would be a very great convenience to the Bar. He proposed, also, that the technicality which prevented Circuit Court business being transacted during term at present should be done away with, so that Assize work might go on until it was done; and the provision made last year with regard to the Courts of Oyer and Terminer in the County of York would be extended to the whole Province. He also proposed to make provision for holding a Court to try a case not requiring a jury at any time. He proposed to give jurisdiction to the Clerk of Appeals and the Referee in Chancery, by giving them authority in regard to matters which might be transacted by a Judge, as the law stood before the passing of this Act. He proposed also to abolish stamps in Division and County Courts. The demands of the country required them to discontinue this source of revenue, and it would be a great relief to the poor people who had litigation in the County Courts. He concluded by moving the second reading of the Bill.

Mr. DEACON said the Attorney-General had made out a good case for the increase in the number of judges, although in his opinion there were some provisions of the Bill which practitioners might regard with a certain degree of alarm. He thought it was impossible at this stage of the session to study out the effect of so large a Bill, and he trusted the Government would not pass more than the first fourteen clauses. This would accomplish the end the Attorney-General had in view, and next session he might introduce a Consolidation of the Administration of Justice Act, and the Common Law Procedure Act.

Mr. HODGINS considered this a move in the right direction. There was no doubt that the business in the Courts of Law had increased very largely within the last few years beyond the power of the Judges to dispose of it, and from a return which had been brought down in reply to his (Mr. Hodgin's), motion it ppeared that the remanets at the several Assizes were as follows:—In 1871, 34 County Court cases, 105 Superior Court, and 110 criminal cases, in all 245; in 1872, 81 County Court cases, 136 Superior Court cases, and 76 criminal cases, in all 293; in 1873, 105 County Court cases, 218 Superior Court cases, and 111 criminal cases, in all 434. This showed a gradual and steady increase of work, of which the Judges of the Superior Courts were unable to dispose. Now on the former motion he had estimated the actual loss to the litigants in each case to be about $100. He estimated the total loss to the suitors in these adjourned cases to be for the three years respectively $20,000, $25,000, and $40,000. The Bill under consideration provided a remedy for this increase of Assize business. But another class of cases which ought to be provided for by this Bill was the motions for new trialf, &c., which had to be enlarged from term to term at great loss and inconvenience to the Bar and suitors. The Clerks of the Crown at Osgoode Hall had enabled him to obtain statistics regarding this delay in the administration of justice, and he found that in 1871, 93 rules were enlarged in the Queen's Bench and 57 in the Common Pleas; in 1872, 114 in the Queen's Bench and 44 in the Common Pleas; in 1873, 123 in the Queen's Bench and 52 in the Common Pleas. It was stated that a great deal of time was occupied in disposing of certiorari and quashing by-laws which under the new Act could be disposed of by a single judge, but he thought the extent of that business was over estimated, and it appeared to him (Mr. Hodgins) the only way to remedy this block of judicial business was to constitute a new court—which might be designated the Exchequer, following the names of the English courts. With regard to the Court of Appeal, at present it was unsatisfactory, and it seemed to him that it would be more advisable to establish an independent Court of Appeal. He suggested that this new Court of Exchequer should be formed, and that the chief judges of the four courts together with any retired judges of those courts, or one or two new judges should constitute the Court of Appeal. But no judge should hear any case which had come up from the court in which he had been before engaged. By this means five Judges could sit in the Court of Appeal, in order to obviate an equal division of opinion. He hoped the Attorney-General would abandon the clause requiring the depositing of the fees before rehearing. One other cause of this increase was the number of County Court cases entered at the Assizes. The number of these cases entered at the Assizes were in 1871, 386; in 1872, 447; in 1873, 564. Was this because the County Courts were inefficient or unable to do the work, or because the Judges had not the confidence of the profession? Whatever was the cause it appeared some remedy was required. The Bill went in the right direction in this, but he thought the better plan would be to group together two or three counties, and constitute the Judges a full Court, having the right of holding a County Court circuit, and with the right of litigants to appeal from any ruling to the full Court. A Bill to this effect was introduced by him (Mr. Hodgins) the first session, and was favourably received by County Judges and the profession. Another class of Courts it would be well to apply the law reform to, was the Surrogate Courts. It might be well to provide that instead of judges being subject to the trouble of collecting their fees, for the duties they render these fees were funded, and the County Judges paid salaries for the Surrogate Court work. He trusted the Government would consider these suggestions, and he believed the Bill on the whole would meet with the approval of the House, the profession, and the public.

Mr. MEREDITH felt the great necessity for additional judges, and notwithstanding the objections raised against the Court of Appeal, that upon the whole it was the best one that could be devised. He thought it would be a great mistake to permit rehearing without deposit, and he could not see the necessity of bringing County Court cases down to the Assizes. There was a provision in the English Judicature Act which might be introduced into this Bill as to which court should prevail when there was a conflict between the Courts of Law and Equity. He concurred in most of the provisions of the Bill, and believed it was in the interest of the country.

Mr. McCALL said that the Attorney-General in introducing this Bill had two objects in view. One was to infuse into the administration of our law purity and inexpensiveness, and if these objects could be accomplished by this Bill it would confer a great benefit upon the country. He was satisfied these objects would meet with general approbation. He believed Judges were overworked, but this was due principally to the large number of appeals. He said it was a general feeling that there should be a Civilians' Court.

Six o'clock was then called.

RAILWAY AID FUND.

Hon. Mr. FRASER brought down papers relating to the Railway Aid Fund.

The House then rose for recess.

ADMINISTRATION OF JUSTICE.

After recess,

Mr. PAXTON resumed the debate on this subject. He was sorry so important a Bill had been introduced so late in the session, and he trusted that the whole of it would not be carried into law now. He did not think the whole of the measure would be received by the people favourably. He had submitted the Bill to a lawyer, a friend of his, who as yet had been unable to give him his opinion upon it; so what views he expressed would be from his own stand-point as a layman. He objected to facilitating the stepping from one court to another, and the increasing of litigation. He regarded the changes with regard to the Court of Chancery as not in the interest of the country. He maintained that the doing away with County Courts and Quarter Sessions would be received favourably by the country, and the increasing of the jurisdiction of the Division Courts would also be popular. He trusted that Government would withdraw the Bill, with the exception of that portion which provided for the appointment of three new Judges.

Mr. PRINCE said the matter had been for several years under serious consideration. Division Courts, he showed, only dealt with small sums, and there were grave doubts as to whether they should allow the law providing for the collection of sums which came within the jurisdiction of Division Courts, to remain on the Statute Book. What then would become of the proposition of the honourable member for North Ontario? He pointed out that all law reforms were brought about step by step, and he thought the Attorney-General was proceeding in the proper manner, and that they were in a fair way of having a comprehensive Bill which would tell them what their mode of procedure was to be. He regarded the Bill before the House as a step in the right direction.