Mr. FRENCH moved, "That in the opinion of this House it is expedient to increase the jurisdiction of the several County Courts, as follows:—(1) In actions under sec. 19, sub-sec. 1, R.S.O. cap. 43, to $500; (2) In actions on contracts under sub-sec. 2, to $1,000; (3) In actions of replevin, under sub-sec. 5, to $500; and that a Committee of this House be appointed to prepare and bring in a Bill accordingly. The mover said, in placing this motion upon the paper, he did not wish to assume any of the responsibility in connection with legislating upon this question. He merely desired to call the attention of the Attorney-General to the question of increasing the jurisdiction of the County Courts, which would, in his opinion, result in great benefit to the country. He had not attempted to set out in what respect this should be done, but would ask that a committee be appointed to report upon the subject in greater detail. He said that the jurisdiction of the Division Courts had been increased, and this had reduced the amount of business done by the County Courts. The returns would show that the business in the County Courts had fallen off more than half in the last three or four years. The usefulness of the County Court judges in many respects was gone, and the judges in the eastern sections of the country to his knowledge were painstaking and careful, and quite responsible to perform duties outside of their present jurisdiction. He was also of opinion that the judges of the western section, with very few exceptions, possessed great ability. Why should these gentlemen go without occupations while the Superior Court Judges have so much work, as was evidenced every day by the report of the business done at Osgoode Hall? He was satisfied that, with increased jurisdiction in the County Courts, a greater amount of business would be done, and result to the satisfaction of the litigants of the country—while the cost of County Court actions was only about half of that in the Superior Courts. He was of the opinion that this would have the sympathy of the House, especially among that class of gentlemen called laymen, and that it was a subject which should be fully discussed and an expression of opinion obtained upon it in order that the Government might feel strengthened in adopting such measures as were requisite. This would be increasing the jurisdiction of the County Court in actions under sec. 19, sub-sec. 1, R. S. O., cap. 43, from $200 to $500. Actions on contracts under sub-sec. 2, from $400 to $1,000, and in actions of replevin under sub-sec. 5, from $200 to $500.

Mr. MOWAT said he had given to this subject his clear and anxious consideration, and the opinion he had formed was that it would not be advisable to go further in the direction indicated at the present time. They had made such changes in the procedure of the courts as to have the term "revolutionary" applied. These changes were so important that time should be allowed wherein to have the practice definitely settled. All sorts of questions upon practice and pleading had arisen, and these could only be settled by actual subsequent decisions. It was of great moment that there should be uniformity in practice under the new Act, and this proposal would stand in the way. If they took away from the Superior Courts a large part of their business, then the decisions regarding practice would constantly be called for in the County Courts, and these would not be so authoritatively received as if given in the Superior Courts. It was impossible to frame any system by which these matters could be settled otherwise than at the cost of the clients, should the solicitor adopt a wrong procedure. The County Court judges had already a great many duties, but the diminution in litigation was not only true of the County Courts, but of all the Courts except the Division Courts, which had a largely increased jurisdiction. Notwithstanding this dimution the judges of the County Courts have still a large amount of business to do. The whole practice under the Judicature Act had to be mastered. In addition to that they were in the habit almost every session of imposing new duties upon the County Court judges who complained of it continually. Under all the circumstances he thought that it would be inexpedient to deal with the matter at present. That Legislature had done more in the way of law reform during the past few years than had been done for many previous years, or more than would probably be done again.

Mr. MEREDITH regretted the refusal of the Attorney-General to consider the motion. He thought that the Government were taking a stand similar to that taken with reference to the extension of the jurisdiction of the Division Courts, when they were eventually compelled to consider the matter. He thought that the extension of the jurisdiction of the Division Courts had proved eminently satisfactory to the country, and it was a necessary sequence that the jurisdiction of the County Courts should be increased. It seemed to him practically the County Courts had nothing to do. The judges of these courts had become judges of Division Courts. If the County Courts were to be retained at all, their jurisdiction ought to be increased as far as proposed in the motion before the House. The difficulty of applying the new practice to suits of $200 would not be increased he contended if the sum was $500. He was afraid that the Attorney-General was under the influence of Toronto lawyers in the course he was pursuing. The feeling throughout the country was that the administration of justice should be decentralized, and the motion before the House would be a step in that direction.

Mr. FRASER disputed the assertion that decentralization would result from the increasing of County Court jurisdiction. All preliminary proceedings in suits were commenced and carried on in the particular county in which the action was brought, and it was not until fault with the decision of the judge or the verdict was found that the suit was taken to a higher court, but it was the same in the Superior Courts, the proceedings of which could be revised in Toronto. So far as decentralization was concerned they had gone far in that direction, inasmuch as they now left to County Court judges a very large measure of administration which they did not before possess, and a large number of cases hitherto brought to Toronto were now disposed of in the counties where the action was instituted. All their legislation had been in the same direction. His hon. friend (Mr. Meredith) had asserted that the County Courts had nothing to do with regard to judicial duties. He would point out, however, that in the last three months—even in the past month—the county judges had duties imposed on them, they never had before, under the Judicature Act, and would probably have duties still further increased hereafter. All preliminary applications were additional work, for which the judges received no additional recompense. That applied also to all suits in the Queen's Bench and Chancery Divisions. Although it might be assumed that by reason of the increased jurisdiction of the Division Courts the judges had less work, it was not so. He had all the work he had before, with this difference, that it was done in the Division Court instead of in the County Court. His hon. friend had suggested the picture of a judge and jury being brought together for the purpose of doing nothing. But he must know that the judges were there also as Chairmen of the General Sessions, and if County Courts were entirely abolished the judge would still have to be brought there as Chairman of the Sessions.

Mr. MEREDITH—If the County Courts were abolished these General Sessions cases could be brought before the Assizes.

Mr. FRASER replied that the hon. gentleman knew very well that they could not abolish the General Sessions, and he also knew that there were a great many trivial cases which the judge of an Assize Court would not and ought not to be asked to adjudicate upon. Generally, he continued, litigation in all the Courts had diminished. Even in the Division Courts the number of defended cases was growing less. He fancied that lawyers would like to see matters in this respect return to what they used to be. (Laughter.) As to the reference made to costs by the member for South Grenville (Mr. French), that hon. gentleman forgot that the Judicature Act entirely changed the question of costs, because the judge had now the discretion to say whether the defendant or plaintiff, being unsuccessful, can claim more or less costs.

Mr. MEREDITH—But that does not affect the scale of costs.

Mr. FRASER—No, but it affects the scale as between the parties. He admitted that the judge within this discretion followed some general rule, but it was not a cast iron rule, as heretofore when a successful suitor got the cast-iron amount of costs, notwithstanding the amount of the verdict. The view taken by the Government was that it is premature to discuss the question of extending the jurisdiction of the County Courts, and that sufficient time for settling new rules and changes has not yet elapsed. The proper course was to allow the whole matter to stand for further consideration in the light of their experience of the system.

Cries of "withdraw."

Mr. FRENCH was of opinion that the Judicature Act did not go towards decentralization. It simply threw order into chaos, and this disorderly state of affairs furnished lawyers all the work they had during the past year. (Laughter, and cries of "order.") He declined to withdraw his motion.

Mr. DEROCHE thought that hon. gentlemen opposite were trying to make the country believe that the Judicature Act increased the cost of litigation, and the member for South Grenville probably had this in view more than the interests of suitors or of the profession. He saw no inconvenience from leaving matters as they were. He was of opinion that the Judicature Act tended largely towards decentralization. They should allow the practice to become thoroughly settled and the effect of the new Act understood clearly before making any further changes. They were blamed for "tinkering" too much with the law, and it was said to be well-nigh impossible to keep informed as to the exact state of the law.

The ATTORNEY-GENERAL moved in amendment, "That having regard to the changes so lately made with regard to the procedure of the Courts under the Judicature Act, and to the discretion given under that Act to the judges in the matter of costs, and having regard likewise to the fact that the increased jurisdiction lately given to the Division Courts has not yet been fully tested, this House considers that it would be premature to decide now whether or not increased jurisdiction should be given to the County Courts."

Mr. MEREDITH thought that the result of the increased jurisdiction given to the Division Courts had been fully tested, and if the Attorney-General had a personal acquaintance with the facts he would not have made such a statement as he had. But he saw traces in the amendment of the hand of the Commissioner of Public Works, and the Attorney-General no doubt had drawn up the amendment under the advice of the Commissioner of Public Works and of the Provincial Secretary. He regretted that it was likely to be a party vote.

Mr. GIBSON thought that the remarks of the hon. leader of the Opposition were made with a view of directing the vote on his own side of the House. He thought that the motion was uncalled for. There had been no agitation for it throughout the country. It was greatly to the credit of the Government that the Judicature Act did not call forth a batch of amendments at this session of the House. It showed how carefully that measure had been prepared and considered. The County Court judges had, he thought, as much if not more work than they ever had. They all knew that many of the County Court judges were asking for junior judges, and if the motion passed, the demand generally resisted by the Government for these would be greatly increased. Perhaps, however, the hon. gentleman who made the motion had that in view. (Laughter.) Under the Judicature Act there was an assimilation of jurisdiction, and there might arise occasion for some amendments to the Act. It would probably become necessary to relieve the Court of Appeal from a danger of being blocked with the large number of appeals. He could not see, also, why a Judge of Assize could not take ordinary cases in the Chancery Division and dispose of them along with ordinary cases on the non-jury list at the Assize. If that were done, a long step would be taken in doing away with the present distinction. So far from the Attorney-General being under the influence of Toronto lawyers in declining to adopt the motion, he was sure that if the Attorney-General was at all unpopular with members of the profession it was with the Toronto members, owing to the decentralizing effect of the Judicature Act.

Mr. MERRICK moved in amendment to the amendment, "That the motion be referred to a