

DIVISION COURTS ACT.

On motion of Hon. C. F. Fraser, the House went into Committee to consider the amendments made in committee to the Division Courts Act, Mr. Baxter in the chair.

In Committee the Bill was amended by inserting a provision whereby an outlying municipality interested in such a Court is made to bear its fair share of the rent of the building in which the Court is held, the proportion of its share being fixed by the judge.

Another amendment was made so as to enable other persons besides Division Court officers being called as witnesses in cases of enquiry, by the inspector into the conduct of officials against whom complaints may be made.

Mr. FRENCH proposed an amendment, which in effect was, that if both parties agreed in writing that a suit for money should be tried in any Division Court, such Court should have jurisdiction to try it.

Hon. C. F. FRASER said however willing he might have been to give this matter consideration at an earlier stage of the session, he was not prepared at this late day, when there was no time for providing the machinery, to adopt it as the law of the land. What the hon. gentleman proposed was that in any Division Court a suit might be tried for ten, fifteen, or twenty thousand dollars, without providing any machinery at all for giving it such jurisdiction. He might have been prepared to consider to accept the proposition to a limited extent if it had been made at the beginning of the session, but it was a most extraordinary thing to propose it now when there was no time to consider what the machinery should be, and the hon. gentleman himself must foresee the difficulty that would arise without proper machinery.

Mr. MERRICK asked what machinery was necessary.

Hon. C. F. FRASER pointed out one difficulty in the possibility of expensive litigation taking place in large suits occupying three or four days, during which the poor man's case would be postponed, and he would have all the expense of delay to bear.

Mr. CREIGHTON said the amount of the claim could make no difference to the machinery. It was as easy to try a suit for a large amount as for a small one.

Hon. J. YOUNG said it seemed to him the objection of his hon. friend the Commissioner of Public Works was a sound one, that at such a late day in the session such an amendment should not be made. While saying this, however, he wished to express his belief that this was a move in the right direction. He thought it would be a most valuable amendment, and if the matter had been brought up in time to be thoroughly considered and the amount limited to a certain sum, he would have been in favour of supporting it.

Mr. GIBSON (Hamilton) thought no man expressing himself candidly could hope that an important matter of this kind brought in at the last moment of the session could be adopted without consideration. However, he did not see that there was much to be gained by the amendment, because if people were willing to agree that any claim should be settled in the Division Court, they could agree upon any method for settling their accounts, and there was nothing to prevent them from submitting them to arbitration.

Hon. T. B. PARDEE said there was no provision to carry such cases any further than the Court of Appeal. Machinery would have to be provided for carrying the cases all the way to the Privy Council. The honourable gentlemen would easily see that it is utterly impossible to do this at this late stage of the session. He did not think the honourable gentlemen were in earnest in pressing the matter.

Mr. FERRIS said there might be some machinery necessary, but he thought that some concession should be made to the popular will in this matter.

Mr. CARNEGIE said the Government had promised a Bill extending the jurisdiction of the County Courts, and it was only last night that gentlemen on this side of the House were given to understand that there would be no such legislation this session.

Mr. ERMATINGER said all the necessary machinery was already provided. The litigants in the Division Courts could have recourse to the Court of Appeal.

A vote being taken resulted in the defeat of the amendment by 34 to 22.

Mr. FERRIS moved that the sub-section providing that in cases where an untrue defence had been made in the Division Court, if suits of over \$40 the Judge in Chambers should have power to hear argument and decide whether the defence is admissible, should be struck out. He objected to this clause because it would increase the lawyers' fees, and would increase the expenses of the litigation. He believed that this section was altogether in the interests of the legal profession. The Division Court was the poor man's Court, and it was desirable that in as many cases as possible each of the litigants should pay his own counsel where such was necessary.

Hon. C. F. FRASER pointed out that there would be ample time to discuss this on the third reading of the Bill. This section had been already passed, and they should adhere to the rules of the House if possible. After a short discussion on this point the consideration of the section was gone on with.

Hon. C. F. FRASER said the provision objected to would not be benefitted by the section. The only person who would be benefitted was the man who was successful and had engaged a lawyer.

Hon. J. YOUNG was opposed to allowing taxable costs in Division Courts. They found the costs in this court growing constantly, and if the growth kept on the Division Courts would be no longer the poor man's courts. It had been observed that the lawyers were not anxious for the clause, and he thought the laymen were not so. It should be struck out.

The clause was struck out.

Mr. WHITE moved an amendment to the sixth clause, proposing to restore trial by jury in replevin and interpleader cases, when the sum sought to be recovered exceeds \$10, and in all other cases where it exceeds \$20.

Hon. C. F. FRASER said provision now was made for a jury in the first class of cases where the sum exceeded \$20, and in all other actions where the sum exceeded \$30. Having regard to the costs of trial by jury the sum fixed was low enough. Under the old Act he thought jurors were summoned in many cases where there was no need for them. Surely Division Court Judges could dispose of cases of this kind without a jury.

Mr. WHITE said there were many persons who complained that they had not a fair trial without a jury.

Hon. T. B. PARDEE—If they lose the cases.

Hon. C. F. FRASER said it seemed absurd to say that twelve men should be summoned in a case where only \$10 was involved.

The amendment was lost.

Mr. FRENCH asked that the following clause from the Attorney-General's Bill relating to Superior Courts should be applied to Division Courts also:—

Where a summons of replevin is sued out for any personal property which had not been previously taken out of the plaintiff's possession, and for which the plaintiff might bring an action of trespass or trover, the defendant shall be entitled, if the plaintiff fails in the action, to be fully indemnified against all damages sustained by the defendant, including any extra costs which he may incur in defending the action; and the bond to be taken by the bailiff shall be conditioned, not only as required by the Replevin Act, but also to indemnify and save harmless the defendant from all loss and damage which he may sustain by reason of the seizure, and of any deterioration of the property in the meantime, in the event of its being returned, and all costs, charges, and expenses which the defendant may incur, including reasonable costs not taxable between party and party.

Hon. C. F. FRASER said it could be extended to Division Courts in the Attorney-General's Bill.

The Committee rose and reported, and the amendments were concurred in.

PETROLEUM COMPANIES.

The House went into Committee, Mr. Badgerow in the chair.

On the Hon. O. Mowat's Bill to render negotiable by endorsement certain warehouse receipts issued for crude petroleum,

Hon. O. MOWAT moved an amendment including in the Act all companies incorporated under competent authority. Carried. The Bill was reported as amended.

TAXES ON DOGS.

The House went into Committee on the Bill of Hon. A. M. Ross to amend the Act to impose a tax on dogs, and for the protection of sheep.

Mr. MEREDITH objected to the clause limiting the right of appeal in such cases. He thought the appeal should be to the Judge of the Division Court.

Hon. A. M. ROSS agreed to strike out the words relating to the appeal, and the Bill was reported as amended.

THE REDISTRIBUTION BILL

The House went into Committee on the Redistribution Bill.

Hon. A. S. HARDY moved an amendment providing that the Act shall not affect the municipalities concerning the registration of titles of land. Carried. He also moved an amendment providing that the changes shall not affect the Electoral District Agricultural Societies except in Muskoka, Algoma, and Parry Sound, and there new societies may be formed. The amendment was carried. Another amendment was carried, providing that on and after the passing of the Act the membership of the House should consist of 89 members, so as to enable the additional member for Algoma to take his seat at an early date. The Bill was reported as carried.

Mr. GIBSON (Hamilton) moved that the Bill respecting the village of Parkdale be referred back to the Private Bills Committee for further consideration.—Carried.

Hon. A. S. HARDY moved the first reading of a Bill to amend the Act relating to the registration of births, deaths, and marriages.—Carried.

It being six o'clock, the Speaker left the chair.

After recess, The following Private Bills were passed through Committee:—

Mr. MacKenzie—Respecting the city of London and the town of London East.

Mr. Dill—To confirm the incorporation of the Bishop of the Diocese of Algoma.

THE LAND TRANSFER.

The House in Committee on the Bill to simplify titles and to facilitate the transfer of land.

Mr. MEREDITH, on clause 5, providing that a land registry shall be established, and the

business thereof shall be conducted by an officer to be called the Master of Titles, who shall be a barrister of not less than ten years' standing at the Bar of Ontario, suggested that there should not be a separate office for the registry of titles. He thought that trouble would ensue in searching titles.

Hon. O. MOWAT pointed out that the person who owned the land would be quite enough to tell the searcher that he had his title registered under this Act. He also stated that it being only intended to apply to Toronto and York County, it was essential in the early stages to take every precaution against mistakes. He desired himself to watch the operation of the Act in conjunction with the Master of Titles.

Hon. C. F. FRASER supported the provisions of the Bill, and enforced the necessity for starting right.

Mr. MEREDITH asked what was to be done in the interval between the registry of the title. Could anything be registered against the land?

Hon. O. MOWAT pointed out that a "caution" could be registered with the Master of Titles, so that a vendor might not be able to do anything except subject to the Act.

The clause was passed.

The clauses relating as to whom might apply were passed.

Hon. O. MOWAT said the interest to be brought under the Act is the fee simple of the property, and the application may be made either by the owner of the fee simple or by a person who has contracted to buy, the vendor being willing.

The clauses passed.

The remainder of the sitting was passed in considering the Bill and it was reported.

THE ANATOMY COMMITTEE.

The Special Committee appointed to consider Mr. Baxter's Bill respecting the study of anatomy met at 10 o'clock. The clause relating to the period of time which must elapse before the bodies can be taken to the medical schools for dissection was amended. The time fixed in the Bill, forty-eight hours, was extended, and provisions made that the bodies after forty-eight hours should be placed in alcohol. The Bill as amended was reported.

The House adjourned at 11:15.