

The Bill Explained.

Hon. Mr. Gibson in introducing his bill, the official title of which is "An act respecting legal procedure," said he did not propose at this stage to make any observations on the subject of so called law reform. He would state, as briefly as possible, the contents or outlines of the bill, the chief subjects of which were County Court jurisdiction and procedure. Continuing, he said:—"In regard to the County Court jurisdiction, in ordinary actions for damages the increase is from \$200 to \$400, and in cases of action relating to covenant or contract, where the amount is liquidated or ascertain by the act of the parties, it is doubled to what it was for so many years. It was \$400, afterwards we increased it to \$600—now it is further increased to \$800, and all the way through the various subjects of jurisdiction given to the County Courts have been enlarged. In matters of replevin, actions on bail bonds, for the recovery of land, actions for trespass or injuries to lands, actions relating to dealings and transactions of partnership, jurisdiction is doubled all the way through. So also with reference to legacies and actions by legatees under a will. Then the effect of substituting the clause in my bill, which deals with these matters, for the clause in the present County Courts act, is to bring under the jurisdiction of the County Courts an important class of actions.

New Jurisdiction.

"I now refer to actions for slander, libel and criminal conversation or seduction. Probably that is as important a feature as is contained in the bill, and is one regarding which I have proceeded with no slight hesitation, because a great many actions are brought on these causes, libel, slander and seduction, where the matter in dispute between the parties is one of great importance. Sometimes the importance of sentiment, the vindication of character, are matters of far more importance than any damages the party instituting the action may have in view. It will be admitted and cannot be denied that in the litigation which takes place in our courts a very large number of cases of this class are of a nature which would justify their being disposed of by the County Courts. Indeed the time of High Court Judges is frequently taken and consumed in dealing with cases of this nature. So long as I have been a lawyer and have had any experience at the bar it has been generally admitted that many such cases might have been dealt with by the inferior courts. In view, however, of the importance of cases of this kind; in view of the importance of cases where not damages so much as principle may be at stake, I have introduced qualifications which will render it easy for either party to have them transferred, if the actions are brought in the County Court, to the High Court. I have no doubt that in the working out of this provision the Judges will be easily able to make that discrimination between cases which will make the

act in this respect not only workable but cause it to give entire satisfaction both to the profession and to the public at large. The application may be made to the Judge of the County Court or the Judge of the High Court.

"The bill proposes to give to the County Court jurisdiction in the cases of quashing by-laws, applications to quash by-laws, or orders, or resolutions of municipal councils, within the territorial jurisdiction of the particular court. So also in the case of convictions or orders within the territorial jurisdiction of the court by Justices of the Peace. The bill provides that a motion may be made to the Judges, who shall exercise the same powers as have heretofore been exercised by those of the High Court in the matter of convictions and orders, always confining the cases to offences against the Provincial law or matters under legislation of the Province.

"As to procedure an effort has been made in dealing with the County Courts to simplify the procedure. The writ of summons is abolished and the action will hereafter be commenced by the filing of the statement of claim. When the judicature act was introduced in this House in 1881 I personally urged that this change in our procedure should be adopted. I am not sure but that Sir Oliver Mowat, then at the head of the Government, shared in that view. But, on the whole, in reference to the views of others, that was not done. The institution of the action will be the filing of the statement of claim and the service of a certified copy upon the defendant. The statement of defence will follow. That means that there will be no issuing of a writ of summons and the service of it, then an appearance and afterwards the statement of claim, followed by the statement of defence. When the statement of defence is filed, and within a certain number of days, it is obligatory upon the plaintiff to make a motion to the Judge for direction. That is for direction as to the conduct of the case. On the return of this motion all matters which are now dealt with by interlocutory motions shall be disposed of. The bill provides the form in which the motion shall be made, and in which the order shall be made, so that it will be perfectly apparent how this provision is to be worked out. I think that this order for giving direction as to the conduct of a case is a change which everyone will approve of. Nothing has been the subject of more complaint or remark than the multiplicity of interlocutory motions and the appeals from them. The members of the profession are desirous always of getting the case at issue to trial. They will feel some relief in getting full details, or a plan of campaign of the action from both points of view, which shall be determined by the judge at one appointment.

Block System of Costs.

"The block system of costs as applicable to County Court actions is proposed to be introduced. With reference to the original jurisdiction of County Courts a certain tariff, according to the various steps reached in the processes of the action and conduct, is laid down in the bill. In actions which will occur