

# SWEEPING MEASURE OF REFORM IN LAW.

## Attorney-General Will Lay Pro- posals Before Legislature.

### ONE COURT OF APPEAL.

#### Only Cases of Greatest Import- ance to Go to Privy Council.

#### Judges of Provincial Supreme Court to Constitute the Appellate Court —Proposed Increase of Jurisdic- tion of County and District Courts —Legislation May be Necessary.

More sweeping than any measure of law reform suggested since 1881 are the proposals embodied in a resolution which the Attorney-General, the Hon. J. J. Foy, will move in the Legislature next Tuesday. The resolution in the main follows the course which has been advocated by the Hon. A. G. MacKay, leader of the Opposition, during his recent tour throughout a portion of the Province. Its principal purpose is to establish a single Court of Appeal and thereby prevent the prolongation of litigation, which so frequently occurs under the existing system. The resolution reads:—

"That in the opinion of this House, with a view to the more prompt and satisfactory administration of justice in civil matters and the assessing of the cost thereof, it is expedient:

#### Only One Appellate Court.

"That there should be but one Appellate Court for the Province.

"That all the Judges of the Supreme Court of Judicature for Ontario should constitute the Appellate Court.

"That the Appellate Court should sit in divisions, the members of which should be permanently assigned to them or chosen from time to time by the Judges from among themselves.

"That the divisions should consist of five members, four of whom should be a quorum, except in election cases and cases in which constitutional questions arise, for which five members should sit, and except in appeals from inferior courts, for the hearing of which three Judges should form a quorum.

"That the decision of the Court of Appeal should be final in all cases except where (a) constitutional questions arise, or (b) questions in which the construction or application of a statute of Canada are involved, or (c) the action is between a resident of Ontario and a person residing out of the Province.

#### Abolish Privy Council Appeal.

"That the appeal of right to the Judicial Committee of the Imperial Privy Council should be abolished, and the prerogative right of granting leave to appeal to that tribunal, if retained, should be limited to cases in which large amounts are involved or important questions of general interest arise.

"That in matters of mere practice the decision of a Judge of the Supreme Court, whether on appeal or a Judge of first instance, should be final.

"That provision be made to regulate examinations for discovery to prevent the excessive costs that are often incident to such examinations, and the undue prolongation of such examinations.

"That the County and District Courts

shall have jurisdiction in all actions, whatever may be their nature or the amount involved, if both parties consent.

"That the ordinary jurisdiction of the County and District Courts should be increased.

"That communications should be had with the Imperial and Dominion Governments with the view to legislation by the Imperial and Canadian Parliaments as to such of the foregoing matters as are not within the legislative authority of the Province."

#### Will Introduce a Bill.

The Government have taken this course in bringing the matter before the House in order that it may receive the benefit of full discussion. It is intended by the Government to subsequently introduce a bill which will, presumably, embody the conclusions arrived at as a result of that discussion. The matter is one of the highest importance, and, as the resolution indicates, there may be questions of jurisdiction raised which will necessitate the promotion of legislation in the Dominion Parliament and possibly in the Imperial Parliament. As matters stand at present a case can be appealed to a Divisional Court, thence carried to the Court of Appeal, and in certain cases to the Supreme Court and the Privy Council. The proposals contained in the Hon. J. J. Foy's resolution are that the appeal to the existing Divisional Court shall be cut out, and appeal to the Privy Council only allowed in cases of the character specified. A clause of considerable importance is that proposing that the jurisdiction of County and District Courts should be increased, and thereby the pressure on the High Court relieved.

### WILL AMEND TELEPHONE ACT.

#### Difficulties in Way of Establishment of Municipal Telephones.

Notice of motion given by the Minister of Public Works has already indicated that it is the Government's intention to amend the local municipal telephone systems act. The act does not fulfill the purpose for which it was intended. There is no provision by which municipalities desiring to establish a telephone system can spread the cost over a term of years. It is the Government's intention, by the proposed amendment, to remove this difficulty in the way of the establishment of municipal telephone systems, and to provide the necessary machinery enabling the capital charges for installation to be spread over a term of years.

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