

FEBRUARY 26, 1909.

TO END DELAYS AT SIX MONTHS.

Attorney-General Deals With Tardy Judgments.

"FOUR YEARS IN ARREAR."

Minister's Caustic Comment on Overdue Bench Decisions.

Provision for Retiring or Promoted
Judges to Finish Their Work—
Government Plans for Gowganda—
Liberals Aid in Securing Necessary
Changes in Statutes.

It was a sitting of lawyers and technicalities yesterday. The professional members of the Legislature plodded their way, in a rather dull, monotonous manner, through the statutory steps necessary to take the results of the labors of the Judges on the Statute Revision Commission to the "third reading" stage of blossoming legislation.

Just prior to adjournment, however, the Attorney-General submitted a measure to amend the judicature act, the hurried preparation and introduction of which, he explained, had been made necessary by exigencies occasioned by the recent appointment of Mr. Justice Anglin to the Supreme Court. There was in existing statutes, Hon. Mr. Foy explained, no provision, in such an occurrence as had arisen, for the delivery of reserved judgment in cases which the Judge had heard, alone or jointly with other Judges.

To Finish Their Work.

Under the amendment he submitted the Attorney-General proposed a section providing that "where a Judge of the High Court resigns his office or is appointed to the Supreme Court of Canada or to the Court of Appeal for Ontario, and any action, cause or matter which has been fully heard by such Judge, either alone or jointly with other Judges, stands for judgment, he may give judgment therein as if he were still a Judge of the court, and any such judgment shall be of the same force and validity as if he were still such Judge, provided that such judgment of the Judge be delivered within six weeks after his resignation or appointment to the Supreme Court of Canada or to the Court of Appeal."

Judgment Delayed Four Years.

Incident to the matter under consideration the Attorney-General stated that, in his opinion, the time had come when some steps should be taken by statute to minimize the annoyance and discomfort sometimes experienced by the long delay of judgments.

"I am informed," observed Mr. Foy, "that in certain cases judgments have been delayed for a period of four years. We must remedy, so far as is in our power, such an unfortunate condition. It must be made impossible."

Six Months' Arrears Limit.

The Attorney-General accordingly proposes a section under which six months is determined as the maximum period any judgment may be delayed. If judgment is in arrears for a longer period, the Government proposed to provide that any party to the action, having served one month's notice of his intention upon the other party and the senior Registrar of the High Court, may secure its summary trial by an appellate court

bring down the public accounts at today's sitting, while the estimates will be forthcoming early next week.

The resolution of the Attorney-General providing for a minimum salary of \$1,200 to Sheriffs was put through committee.

The Situation at Gowganda.

In response to inquiries by the Liberal leader Hon. Frank Cochrane stated that the Government had taken steps towards providing police protection for the new mining camps of Gowganda and South Gowganda. Constables had already been appointed for the district. A townsite had been laid out at Gowganda and the sale of lots advertised, the tenders to be opened on March 13. No site however, has been laid out at South Gowganda. A mining division had been created and a Recorder appointed. A Provincial inspection had been made, the Minister added, of the mining claims staked out between the Montreal River and the district of Algoma, and the Government had under consideration the question of continuing the branch of the T. & N. O. Railway from Charlton to Elk Lake and Gowganda.

Liberals Watching Legislation.

Several of the statutes consolidating measures passed the committee stage. In dealing with the act respecting witnesses and evidence the Opposition secured consideration of two changes. Hon. A. G. MacKay pointed out that under the present wording of the clause protecting a witness from incriminating himself he was required to formally invoke its provisions. "It means," said the Liberal leader, "that if the man has come through a lawyer's hands and is posted he gets protection, whereas if he has no counsel he may be proceeded against on his testimony. If there is a way of doing it I would like to see all witnesses protected."

Hon. Mr. Foy said the point was worth fuller consideration.

Mr. D. J. McDougal (East Ottawa) drew attention to an oversight in section seven, making communications between husband and wife privileged, through which the intent was clouded. He suggested inserting the words "to him," otherwise the communications of the wife to anyone else would be privileged. Sir James Whitney, for the Government, accepted the amendment.

Wants Public School Statistics.

Mr. Ferguson (South Simcoe) desires information from the Ministry. He gave notice that he would ask for the number of Public School Inspectors in organized counties of Ontario, the number of schools under Inspectors, the amount of money paid to such Inspectors, the amount of money paid by the county as required by the act, the total amount of expenses by counties, and the average amount of salary and expenses paid each Inspector by both county and Government.

Recognition for Old Policemen.

Under the private Legislative bill of Major J. J. Craig (East Wellington), it is proposed to give municipalities the right to superannuate policemen after 25 years of continuous service. The measure, which will be introduced to-day, makes the basis of gratuity one-half of the previous salary. The granting of superannuation is not made compulsory, but gives the power.

Mr. Craig submitted a similar measure at last session, but it subsequently was withdrawn, on the Government's request, to be more fully looked into. It is anticipated that it will pass this time.

Natural Gas Explosions.

Mr. W. S. Brewster (Brant) has a bill under which he proposes to make insurance companies liable for damages caused by natural gas explosions. When the present statute was framed natural gas was apparently not contemplated, explosions from coal oil and other similar commodities alone being specified. Mr. Brewster states he has received requests and complaints from Hamilton and London regarding the oversight in the act and proposes to remedy it.

To Amend Separate School Act.

Mr. D. Racine, the member for Russell, is promoting a bill in the Legislature to amend the separate schools act. The purpose of the measure is to provide that where lands have been assessed on account of indebtedness incurred on behalf of a separate school the sale of the lands shall not affect the liability.