

7. We are also of opinion that there would be a decided advantage in merging the Surrogate Court in the High Court of Justice, the jurisdiction to be exercised by the Local Judges, and a special Judge assigned for the work in Toronto; the application for Probate or Letters of Administration to give the Court jurisdiction over the estate. All matters of construction could be settled by an inexpensive motion. Claims against estates could be disposed of by the Judge after the manner of the Master's office; infants' interests could be protected by the Court. No further proceedings to be necessarily taken in any estate than the nature of the case requires.

The reply of the Hamilton Law Association was as follows:

In view of the wide scope of the proposed amendments to the administration of the law, a representative Commission should be appointed to consider the whole question, and to bring in a Report to the Legislature.

If, however, such a Commission should not be appointed, the views of the Association as to the suggestions of the Attorney-General are expressed in the following resolutions:

1. That, in the opinion of this meeting, the jurisdiction of the Division Court should include all cases up to \$100, and in case of claims ascertained by the signature of the defendant, then up to \$200, the defendant in every case stating his grounds of defence in the dispute notice, and the Judge having the right to allow a fee to the successful party, together with court costs and witness fees.

2. That the Jurisdiction of the County Courts should not be increased.

3. That solicitors and clients should be allowed by agreement to fix the costs to be paid in any suit or matter, and that this agreement should not be subject to revision by the Taxing Officer, or any other Officer at Toronto or elsewhere, and should only be liable to be set aside or vacated on the ground of actual fraud, the solicitor and client being treated as standing upon the same footing—the one as well able to take care of himself as the other. Where no bargain is made, the present tariff should regulate costs, and in all cases where infants or others under disabilities are concerned, special provision should be made.

4. That the new Act should provide that the powers relating to the selling of lands under the Devolution of Estates Act should be exercised by the County Judge instead of the Official Guardian, and that as far as possible all business originating in the County should be dealt with and disposed of within the County.

5. That it is advisable to abolish all party and party costs in the County Court and High Court except certain fixed fees to the successful party (according to the stage to which the suit is carried) and the Court fees payable by stamp, and the actual disbursements to witnesses. (Reference may be made to the Civil Code of the State of New York.)

6. That the Association does not favor the idea of having joint sittings of the High and County Courts, but considers it advisable that the sittings should remain as they now are.