

awaiting the disposing of those cases at the Assizes in which the jury notices were struck out by the High Court Judge.

This Association does not approve of any increase being made in the jurisdiction of the County Court, but thinks that (subject to an appeal to the Divisional Court) a High Court Judge Sitting in Chambers (not the Master or Local Court Judge) should have power on the application of either party to an action, to direct that any case brought in the High Court should be transferred to the County Court, or be tried with or without a jury by the County Court Judge, and in such case direct that costs be taxed either from the issue of the writ or from the time of the order, on the County Court scale: this would enable defendants to bring this question before the High Court at an early stage and ensure certainty of the trial forum. This Association believes that High Court Judges, with the object of diminishing the work in the High Courts, and because they thought such cases could properly be tried by the County Court Judges, would direct many cases to be so transferred or tried. This would also be a healthy check on those solicitors who make a point of bringing nearly all cases in the High Court, with the object of securing increased costs. This Association also believes that the High Court Judges would exercise this jurisdiction with discretion and this procedure would also avoid the many objections that exist against any increased jurisdiction in the County Courts, one of which being that the amount involved does not by any means always indicate the importance of the litigation.

The costs in ordinary suits in the County Court rarely exceed \$100, and are generally considerably less, the trouble and time involved is, however, frequently as much as in a High Court suit, and this Association does not believe that any agitation exists against the present scale of costs in the County Court, or that the suggested change which might mean more costs than at present, if the Local Judge was a man of large views, or less, if he was a man of a different kind, is desirable; the existing plan gives certain, and at least reasonable satisfaction, and does not, as the proposed one would do, place a County Court Judge in the unenviable position of having to fix what costs a litigant should pay, either to his own solicitor or the opposite party.

This Association takes very strong ground against the scheme of an agreement for a percentage or lump sum being made between the solicitor and his client in lieu of taxable costs. This plan, it is submitted, has not proved a success in the United States and is not likely to do so in Ontario. A weak client with an unscrupulous lawyer might be imposed upon, a sharp client would huxter his suit from place to place and give it to some "cheap John" in the profession, thus lowering the whole status of the profession and also encouraging speculative litigation on the "no cure no pay" plan. There are other objections to the idea which would certainly act disadvantageously to the scrupulous practitioner, and as the present plan ensures only *reasonable* payment for the work actually done, it meets the approval of this Association."