

THE DIVISION COURTS.

Now that the Legislature is in session it may be opportune to bring before them a few of the many desirable reforms that have been under discussion more or less continually for years back. We have always understood that the intention was to make this Court the people's Court, and that there was an idea originally that its procedure should be so simple that the parties would conduct their own causes without the assistance of legal counsel; and that it was in this light that the Legislature left the successful party to pay his own costs, except under the increased jurisdiction cases. Time has demonstrated, however, that nine out of ten suitors employ counsel, even though confronted with the certainty whether winning or losing of having to pay the fee. It thus happens that to collect \$20 due and owing a fee of \$3 or \$4 has to be paid to a lawyer, and this even though the presiding Judge feels that the defendant in resisting the action has acted perversely and dishonestly and without a color of defence. Now, in cases of over \$100 and up to \$200 in the Division Court the Judge has authority to order a fee of from \$5 to \$10 to the successful party; and we think there is positively no reason whatever why a similar discretion might not be given in all cases. While some might be inclined to think the lawyers would increase the number of cases in hope of the fee, we believe the contrary would be the effect, as litigants who now leap with precipitate eagerness into a legal contest knowing they have little to lose, would be more

cautious. Of course there should be no fee unless there was a contest in Court or unless the parties had come to Court prepared for a trial. On the general subject of the Court fees we wish to jog the memory of our law-makers, and to trust that all that was said on "Law Reform" just before the last Ontario election, is not forgotten. It has been made pretty clear that these fees can be greatly reduced. A correspondent in the *Globe* of February 7th suggests that parties be allowed to serve their own summonses, as in the High Court at present. We think there is no reply that can be made to this suggestion. A move in the right direction was made when a maximum sum of \$1.65 was fixed, to include both bailiff's and clerk's fees down to judgment in cases not over \$10, and as the work in a \$100 suit is not in any particular different from one under \$10, it is obvious that all cases might properly be brought under the \$1.65 rule. These matters are clear as daylight, and we think the Legislature knows it as well as we do. But, of course, there is a reason for everything, and if the powers that be up in the Queen's Park have a disinclination to take action in the premises, it is out of regard for the Division Court clerks and bailiffs throughout the province. It looks plain that the shoe would pinch these gentlemen, and we do not pretend to say that they should be ignored entirely. But we think that in a great province a reform like this should not be delayed or hampered by consideration for a class of officials. What we think is that