

## CHARGE OF JUDGE GOWAN.

The following charge of His Honour Judge Gowan to the Grand Jury, at the late June Sessions of the County of Simcoe, will be read with interest by many; especially so as it discusses the recent legislation of the House of Assembly on several subjects of a legal nature.

His Honour, after referring to the state of the Calendar, said:—

## DRUNKENNESS AND CRIME.

It is sad to know, taking a long retrospect of thirty-eight years of judicial life, that nearly two-thirds of the criminal cases which came before me were traceable to the use of intoxicating drinks, provided under the shadow of the law, and I every day perceive more clearly what I have often before said, in one form or another—the intimate connection between drunkenness and crime; in fact, that habitual drunkenness almost invariably leads to the commission of crime.

I think that the efforts of earnest men in the cause of temperance have done something to diminish the evil incident to, and it would seem inseparable from, the traffic in intoxicating drinks. There is certainly some change in public sentiment; but sustained effort is as needful as ever, till such a healthy public feeling on the subject is formed as will justify more stringent enactments for the personal restraint and penal control of the drunkard and for securing effective responsibility and punishment in the case of those who tempt their fellow-creatures to crime, or for abolishing altogether the traffic in intoxicating drinks.

## RECENT LEGISLATION.

I avail myself of this occasion to direct attention to some of the statutes passed at the last session of the Provincial Legislature.

There are several Acts relating to municipal law, all of which will require to be carefully examined by those to whom the administration of the municipal law is confided, for the alterations and amendments made in the old law are numerous and important, though, for the most part, in matters of detail.

## TAX EXEMPTION.

In respect to the assessment law, I may observe that a very decided inroad will be found to have been made upon exemptions from municipal assessment, affirming, it would seem, that the principle upon which the privilege is based is unsound and inapplicable to our condition. The action

of the Legislature gives some hope that the day is not far distant when the present forced benevolence in favour of certain officials, religious bodies, and church officers, will be abolished altogether.

## INSOLVENT LEGISLATION.

In consequence of the repeal of the Insolvent Act, it became necessary to devise some means of securing to creditors, with as little delay and cost as possible, a fair division of an insolvent debtor's property. A very carefully prepared Act, having this object in view was also placed on the Statute Book, and I think it will serve to a great extent the objects aimed at. But the subject is a difficult one to deal with, the Province having only limited powers of legislation in respect to the matter.

## LANDLORD AND TENANT.

Lodgers and boarders were often subjected to great loss and injustice by the exercise of the landlord's power to levy a distress on their goods and chattels for arrears of rent due to the superior landlord by his immediate lessee or tenant. This has been remedied by another Act of last session, and by a simple process, provided for in the Act, the lodger or boarder will now, on just terms, be able to save his property from sale for arrears of rent.

## THE DIVISION COURT EXTENSION.

Every change connected with the Division Court is of interest to the general public, seeing that for the collection of debts and otherwise, some two hundred persons resort to them for every two persons who use the Superior Courts; and although the claims of the former may be small in amount, they are relatively as important as the large claims of the more wealthy suitors in the Superior Courts. One of the Acts of last session effects very important alterations in the law relating to the Division Courts, and I wish to direct attention to some of its provisions. It is now thirty-nine years since Division Courts were established in this Province, and they have grown steadily in public favour, if one may judge from the largely increased jurisdiction conferred upon them. Those most familiar with the working of these courts believed that the highest limit for safe and efficient working had been reached; but the Legislature, in the face of strong and unbiased testimony to that effect have been brought to think otherwise, and doubled the jurisdiction in respect to certain money demands, and increased it by fifty per cent. in cases of *tort*. I hope it may not be found that this will impair the value and usefulness of the courts to those who will chiefly use them, promoting