

THE OFFICE OF COUNTY JUDGE IN ONTARIO.

and amount, has, by progressive action of the Legislature, been more than doubled in amount, and nearly quadrupled in respect to the whole increase of actions that may be brought in them.

Under the laws relating to Insolvency, the County Judge exercises the most important powers in relation to the issue of attachments against insolvent estates, the examination and discharge of insolvents, and the collection and distribution of their estates.

In still another tribunal the County Judge is sole judge, viz.: the Surrogate Courts. These possess an exclusive jurisdiction in relation to matters and causes testamentary, voluntary and contentious, and in relation to the granting and revoking of probates of wills and letters of administration of the effects of deceased persons, similar to the Probate Court in England. The right of appointing guardians of infants to take care of their persons, and charge of their estates, belongs also to the Surrogate Courts.

Thus in six distinct courts the County Judge is sole judge, and in each and all of these, jurisdiction, both in respect to value and subject matter, has been gradually and steadily on the increase from the time of their institution up to the present—and every session of the Dominion Parliament and of the Local Legislature provides additional work for the local judges.

But, as already mentioned, the duties of the County Judge in Ontario are not confined to his courts. He is the "Judicial, or rather jurisprudential, servant of all work," a most convenient functionary on whom to impose duties requiring knowledge, impartiality and discretion for their due discharge; and for local administration the county judges are conveniently resident all over the Province. The County Judge appointed to office, in addition to the duties then assigned to him by law, no doubt tacitly undertakes

to perform to the best of his ability any duties of a judicial character which the Legislature may from time to time impose upon him; but there is certainly no undertaking, if there be a liability to perform business of a non-judicial character. The great accumulation of duties outside the courts, heaped upon County Judges by statute, is no doubt a high Legislative testimony on their behalf—as implying that their work had been, and confidence that it would be well and satisfactorily done—but the fact that extra work done by them costs nothing to the country, may not have been without its weight. However that may be, for many years no session passes without some new and additional work being given by statute to County Judges, without any provision for increased payment.

It is not easy to classify the multitudinous duties made incident to the office of County Judge, but a brief reference, under general heads, may be made, indicating to some extent, their number, character and importance.

AUXILIARY JURISDICTION.

A large share of the duties made incident to the office comes under the head of Auxiliary Jurisdiction—a jurisdiction in aid of the Superior Courts at Toronto. Under this the County Judge may be called upon to hold or conclude the "Assize" business—to try a traverse of inquisition in lunacy—certain issues from the courts of Common Law, as well as from the Court of Chancery, and also to make assessments of damages. Witnesses in Superior Court suits may, in certain cases, be examined before them, as may also judgment debtors as to their debts, &c.—and they are empowered to deal with parties in garnishee proceedings. Moreover they are standing referees of the Superior Courts in matters of account. The County Judge hears and decides on applications in many matters