

COUNTY JUDGES' CRIMINAL COURTS.

this article to a close by invoking the judges and officers connected with the new jurisdiction, and upon whom the duty of carrying out the act devolves, to be *earnest and zealous* in endeavouring to secure all the benefits it was designed by its author to accomplish, and which the government of this Province is bent on securing. The act at present may be said in a certain sense to be upon trial; it may, and with wise and careful administration must remain a permanent addition to our system of criminal jurisprudence, but it *may* be brought into disrepute and its vitality destroyed. Amongst all the wise utterances of Lord Bacon there is none more true than this, "that the life of a law lies in the due execution and administration of it," and it is well that it should be known and felt that with the County Judges and County Attorneys rests the administration of this, one of the most important criminal acts on the statute book of Canada.

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The following is an extract from the address of the Hon. Mr. Justice Gwynne to the Grand Jury at the last Assizes for the County of Frontenac:—

"It is proper, gentlemen, that I should draw your attention to recent legislation, with a view to facilitate the administration of criminal justice. The legislature of United Canada had from time to time passed various acts having this object in view, which have very materially diminished the labours of grand jurors; but a further step in advance has been made by the Dominion Legislature in its last session by the enactment of a law entitled 'An Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanours in the Provinces of Ontario and Quebec.' The idea of this enactment emanated, I believe, from the head of the government of this Province, who (the matter being within the jurisdiction of the Dominion Legislature) procured the introduction of the bill for the purpose into the house by the government of the Dominion, and it is gratifying to see that its provisions were approved and promptly adopted in reference to the Province of Quebec. By this act it is provided that any person committed for trial on a charge of being guilty of any offence which may be tried at a court of general sessions of the peace, may, with his own consent, be tried at sessions, and if convicted, be sentenced by the judge of the county court. It is made the duty of the sheriff immediately upon the party

being committed to his custody to communicate the fact and the offence charged to the judge of the county court who is thereupon required to have the accused brought before him, and to give him the opportunity, if he chooses to avail himself of it, of undergoing a speedy trial before the judge alone without a jury. During the short time that the Act has been in force it has proved to be eminently successful, and prisoners have largely availed themselves of the opportunity thus afforded to them. That success will continue to attend the measure, commensurate with so good a beginning, there is every reason to hope and believe. The Judge sitting upon any such trial, for all the purposes thereof, and the proceedings connected therewith or relating thereto, is constituted a Court of Record. As such, he will have the incidental power of establishing such rules for the regulation of proceedings under that statute as he shall deem expedient and best calculated to advance the object of the Act. Where there are so many courts it is obviously much to be desired that a uniform code of rules should prevail in all the courts; uniformity of procedure in all courts of co-ordinate jurisdiction is always desirable, but in matters of criminal procedure it seems to be essentially necessary, lest a slipshod mode of administering criminal justice, which is far from the intention and design of the act, should grow up, which would mar its provisions, deform its symmetry, and bring it into disrepute. It is pleasing to see, as I learn is the fact, that the gentlemen upon whom devolves the duty of giving effect to the Act, recognise the importance of the establishment of such a uniform code of rules, and that the county judges themselves have undertaken the task of agreeing upon a code which will be enacted by each court as the mode of procedure to be adopted in it so that the requisite uniformity may be preserved. As courts of record they no doubt possess this power, without any legislative provision for the purpose. There is reason, then, I say to hope and believe, that under the co-operative action of all the learned judges of the county courts, the object of the Legislature will be attained, and success will continue to attend the measure. Grand juries will have reason to rejoice in the diminution of labor falling upon them when the act shall have come into perfect operation, and the accused parties will have equal reason to rejoice that an opportunity is presented them of relieving themselves from that confinement previous to trial, which the old mode of procedure necessitated; much of the evil incident to the incarceration of persons who may be innocent with those who