

## THE EARLY COURTS OF THE PROVINCE.

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### I.

The judicial history of that part of British America which is now our Province lends itself to a division into four periods.

1. Before the King's Bench Act, (1794) 34 Geo. III. c. 2. During all this period the Superior Courts of civil jurisdiction in the province of Upper Canada were the four Courts of Common Pleas, one in each District. From and after 1792, 32 Geo. III. c. 6, there were also Courts of Requests for small debts, which ultimately and long after became our Division Courts.

2. From the establishment in 1794 of the Court of King's Bench till 1837, when by the Act, 7 Wm. IV., c. 2, a Court of Chancery was established. The King's Bench was the only Superior Court: the Courts of Requests were continued and intermediate District Courts (which ultimately became County Courts) were established in 1794 by 34 Geo. III., c. 3.

3. From the erection of the Court of Chancery in 1837 till 1881 when all the Superior Courts, *i.e.*, the Court of Queen's (King's) Bench, the Court of Common Pleas established by (1849) 12 Vic. c. 63 and the Court of Chancery as reorganized by (1849) 12 Vic. c. 4, were combined (with the Court of Appeal) in one Supreme Court of Judicature by the Statute (1881) 44 Vic. c. 5.

4. The period of unification since that Statute. Trifling, and perhaps also important, changes have been made but not such as to affect the principle; the County and Division Courts have been continued: I do not think it necessary to do more than mention the new District Courts, which are in effect temporary inferior Courts in the unorganized parts of Ontario.

In the first period Law and Equity were rather loosely combined: in the second, there was no equitable jurisdiction: in the third, Law and Equity were administered by different