

"SINGLE SEATED JUSTICE" IN CRIMINAL CASES.

Judge Gowan, in a recent address to the grand jury in the County of Simcoe, gave a very full exposition and analysis of this return, and the figures he brought out, which we use, present some interesting features. Looking at the learned judge's figures, we are able to say, that the opinion we hazarded as to the value of these new tribunals has been very fully sustained, and the return incidentally furnishes proof that trial by jury is not so popular even in criminal cases, as some would have us to suppose. Of 936 persons committed for trial during the year, no less than 742 or say 80 per cent. preferred to be tried by a judge rather than by a jury. No doubt allowance must be made for the fact that in some cases the prisoner could within a week or ten days after being committed obtain his trial instead of waiting perhaps for three months for the regular sittings of the ordinary criminal courts, but this inducement would only apply when the prisoner could not obtain bail in cases bailable; but it is quite evident that a very large number must have preferred being tried before a judge alone. It is very noticeable that a considerable number of the cases tried before the judges were of a serious character, and in some counties every prisoner committed elected to be tried without a jury; indeed in nearly all the counties the claim to be tried by a jury was the exception.

In the counties including the large cities, it was otherwise, for at Toronto of the 99 committed, only 56 consented to be tried by the judge. At London of the 89 committed, but 49. At Hamilton of 79 committed, 60 preferred to be tried by the judge alone. But taking three counties having the largest number of commitments, the figures show as follows:—

Simcoe,	42 committed,	37 elected to be tried by				
		judge.				
Brant,	39	"	35	"	"	"
Norfolk,	37	"	26	"	"	"

In the three counties, including the Cities of Toronto, Hamilton and London, the number of commitments was 267; of these 165, or about three-fifths, elected to be tried by the judge. In all the rest of Ontario the number committed for trial was 669, of whom the large number 577, over five-sixths, claimed the right to be tried by the judge alone without a jury. As might be expected, crime in the counties first named bears a large proportion to the total for Ontario, 267 to 669, or nearly two-fifths of the number of commitments for trial in the whole Province.

Looking to results of trial by judge and trial by jury at the ordinary courts, we find the following figures: 573 convictions in 742 tried by judges, a little over 77 per cent.; 98 convictions in 194 cases tried by juries, but 50 per cent.

Again distinguishing between the three counties which include the cities named, and all the other counties in the Province together—in the former, of 267 tried by the judges, 107, say two-fifths, were convicted; of 165 tried by the jury, 102, say three-fifths, were convicted. In all the other counties, of 577 prisoners tried by judge alone, 466, or nearly five-sixths, were convicted; of 92 tried by jury, 55, or nearly three-fifths, were convicted.

In analysing the return for the whole Province for a classification of the crimes in cases tried by the judge, we find the following results: 92 cases of offences against the person more or less serious; 45 of offences against property, accompanied by violence; 542 cases of larceny, and kindred offences, unaccompanied by violence; 6 offences connected with railways, and 11 cases of minor offences. There is some difficulty in an exact classification from defective returns, but the above figures are very close to the mark.

We do not now pause to reason on the facts disclosed by the figures before us, and