

THE OFFICE OF COUNTY JUDGE IN ONTARIO.

County Judge of the present day presides over six distinct tribunals in his judicial district. And not only this, but the office has been overlaid by multitudinous duties of various kinds, imposed by various Acts of Parliament; and the business proper of the court, which has given the name to the office, now constitutes only an item in the aggregate duties of the judge.

Local Courts were created in Upper Canada shortly after its conquest. Their origin may be dated back as far as 1787. In November, 1791, Upper Canada was separated from Lower Canada, and began to legislate for itself. In 1794 additional courts were organized in Upper Canada, and placed on a better footing, but the jurisdiction of the County Courts, formerly called District Courts, was at first purely local, and their process had no effect beyond the local limits. Now established in every judicial district in the Province, their process, mesne and final, directed to sheriffs and coroners, runs to every part of the Province, and their practice is assimilated to that of the Superior Courts at Toronto, and within their range of jurisdiction, their powers are almost identical. The difference between them and the Superior Courts being a limit in the matter of jurisdiction, and a reduced scale of fees to officers of the court. Their steady growth from the period of their institution may be easily traced in the statutes affecting them.

So also Courts of General Quarter Session took their place in the early judicial establishment of Upper Canada, at first conducted entirely by justices of the peace. When the Judge of the District Court was required to be a Barrister, the conduct of business was handed over to him by the Legislature, he being made standing chairman, *ex officio*, of the Court of Quarter Sessions. These courts nearly resembled courts of Quarter Sessions in England, but while

the jurisdiction of the English courts has been gradually reduced and restrained, the jurisdiction of the General Sessions of the Peace in Ontario has been enlarged, or at least recognized as embracing nearly the whole range of offences punishable by indictment; and to it belongs a general jurisdiction in appeal from magistrates' courts in respect to all criminal convictions. Under the law of last session the county judge is now practically the sole judge of the court, for it is provided that the judge alone shall constitute a court or sittings of the General Sessions of the Peace.

A Criminal Court has recently been established—the County Judge's Criminal Court—and of this the judge is sole judge. It is a tribunal conferring new and most important powers, viz.: Without a jury to hear and determine, with some few exceptions, all indictable offences, felonies and misdemeanors, known to the law, save offences punishable with death, but with a right of election to prisoners to be tried by a jury, if they so desire.*

The Division Court system in Ontario answers to the English County Courts. And we anticipated the English system, for what the people of England gained in 1846 by the "Act for the more easy recovery of small debts," the Parliament of Upper Canada granted to the people of this country by the "Division Courts Act" just five years before. The County Judge, or Junior Judge, where there is one, is sole judge of these courts (numbering as many as twelve in some counties, with sittings every two months), and decides both the law and the facts unless in certain cases either party desire a jury.

The jurisdiction of these courts, at first confined both as to range of subject

* A return to the Legislature shows that 80 per cent of prisoners committed by magistrates for trial elected to be tried by the judge without a jury.