

THE NEW COUNTY JUDGES' CRIMINAL COURTS.

while persons charged with crime could only be tried at the regular courts.

All these manifest evils—too manifest to need more than naming to shew that some remedy was necessary—the act under consideration is well calculated to remedy. Take the case of an innocent person committed for trial after the close of a criminal court. He might under the old law, however ready and anxious for trial, be obliged to remain in gaol some four months before being tried; now he can within a few days be tried before the County Judges' criminal court, and have the opportunity of at once establishing his innocence. As to the nature of the tribunal, what intelligent man, conscious of innocence, would not prefer being tried before an educated man, trained to the investigation of facts and above the reach of irregular influences rather than by a number of men, taken from the general community, utterly unacquainted with the investigation of facts, and with but little scope for the exercise of their reasoning powers.

Again, a trifling larceny or other offence is committed. The party arrested is perhaps unable to procure bail (as must often be the case in a moving population, or when it is recruited by emigration), and has to undergo months of imprisonment when probably his sentence would be only for a few days. We know of many instances of cruel hardships in cases of this kind without any means of relief. Under the present law it is quite possible that the prisoner can be tried and sentenced to appropriate punishment within forty-eight hours after his commitment. We need not enlarge upon the evils of protracted imprisonment, and the mingling of the young with the more hardened criminals. The point was well put by Mr. Justice Gwynne in his address to the grand jury at the "Frontenac Assizes:—

"Grand juries," said the learned judge, "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 may be guilty, and of those guilty of minor offences with those who may be guilty of more heinous offences and arising from the associations and intercommuni-

cations of vice thus introduced will be also avoided."

The saving of expenses is the lowest ground that can be taken, but is probably the ground that will be most operative with people in general—for what may be refused to the soundest argument will often be promptly conceded to a popular cry for economy or a business-like necessity. We do not desire to undervalue economy in administration, but would not give undue prominence to an argument upon it, when the proposition, as in this case, is plainly recommended by higher considerations; but that there will be an enormous saving in gaol accounts for the maintenance of prisoners under the new law cannot be doubted. We have heard it estimated at fifty per cent. or more, and from the enquiries we have made think the estimate not excessive. The diminution of cases for the regular courts will also effect a saving, and it must be a considerable one, seeing that some sixty jurors as well as the officers of the courts are under daily pay, and if a number of prisoners are to be tried the court must be necessarily delayed; all this without speaking of the loss and the delay to suitors and witnesses in civil cases. Not that the work of the new court is to be done for nothing,—the ministerial officers engaged must be paid, and it would be wise and just to pay them liberally,—but it would take the expense of a great many trials before the County Judge to equal the cost of a single day at the assizes or sessions.

The County Judge's criminal court will be, if we may be permitted the expression, *a court of perennial gaol delivery*: a key always at hand to open the prison doors to the innocent; and in this aspect alone any outlay necessary in making the tribunal thoroughly efficient and safe would be amply justified.

The new law has been most favorably received by the thinking men, and so far has been, again to use the language of Mr. Justice Gwynne, "eminently successful, and prisoners have largely availed themselves of the opportunity afforded them for a special trial; that success will continue to attend the measure commensurate with so good a beginning, there is every reason to hope and believe."

There are many considerations in respect to the new law upon which we shall have occasion to remark hereafter; at present we must bring