

DIVISION COURT ACCOMMODATION—"SINGLE SEATED JUSTICE" IN CRIMINAL CASES.

properly appreciate the importance of giving accommodation, a little gentle pressure had to be brought to bear, but it was not pleasant to the judge to find it necessary to say "if you do not furnish a room for holding the Court, and an office for the Clerk and fuel, &c., in the winter season, I will move the Court to another place where they will."

Now it is made a statutory duty, and we hope Municipalities will make decent, nay, generous provision for the accommodation of "The People's Courts."

"SINGLE SEATED JUSTICE" IN
CRIMINAL CASES.

We have in this Province peculiar and unique Criminal Courts of recent creation. In a former number of the *Law Journal*, we entered very fully into the nature of these Courts, and pointed out in detail the benefits likely to spring from their operation. We could only at the time reason in a general way on the subject, for the law had not then been tested. Several of the judges took the same favorable view in addressing the grand jurors. We are now able to speak upon actual returns of the work they have been doing.

In the Province of Quebec similar tribunals exist, but they have not yet been created in the Provinces of Nova Scotia, New Brunswick, British Columbia, or Manitoba, and before therefore noticing the work done by them in Ontario, we would in general terms and without regard to technical details briefly refer to the jurisdiction and procedure in these Courts in Ontario.

The chief feature is that jurisdiction is given to a *single Judge without a jury* to hear and determine, with some three or four exceptions, all indictable offences, felonies and misdemeanors, known to the law, excepting offences punishable with death.

The procedure is simple and speedy. After a prisoner has been fully committed for trial, the Sheriff of the locality reports the case to the Crown attorney, a resident barrister appointed by the crown in each county for the purposes of criminal justice. Upon this report the Crown attorney applies to the resident judge for his order to bring up the prisoner at some convenient day, usually within a week, by which time the information and examinations will have come into his hands. Upon these the Crown attorney frames an "Act of Accusation," in the nature of an indictment or criminal information, and the prisoner being brought before the judge sitting in open court on the day appointed, the accusation is read to him, and he, the prisoner, has the right to elect how he will be tried, by the judge alone or by a jury. If he desires to be tried by a jury, he is remanded for trial till the next sittings of the ordinary criminal courts; if he elects to be tried by the judge his plea is taken. If he pleads guilty sentence is at once passed; if he pleads not guilty, an early day is appointed for the trial, which always takes place at the court house, in open court. At the trial the Crown is represented by the Crown attorney, and the prisoner is entitled to his defence by counsel. Only barristers have audience in the court. The trial is conducted according to the practice at the ordinary courts, and the punishment on conviction is the same; indeed the only difference is that there is no jury, the judge alone hearing the evidence and determining the facts, &c., of the case. If the prisoner be convicted "the sentence of the court" is usually prayed at the time, and at once passed.

A return to the Legislature of Ontario for the year 1871, of prisoners committed for trial in this Province, shows the nature of the offences, the cases tried by the judge without jury, those tried by a jury, and the result under each head.