

**THE COURT OF KING'S BENCH IN UPPER CANADA,
1824-1827.**

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(*Second Paper.*)

While watchful over the conduct of its own officers, the court did not omit to exercise strict supervision over the inferior courts.

The first courts in Upper Canada were the four courts of Common Pleas, one for each of the districts into which what afterwards became Upper Canada had been divided by Lord Dorchester by proclamation, July 24th, 1788, viz.:—Lunenburg, Mecklenburg, Nassau and Hesse. These courts were abolished in 1794 by 34 George III., c. 2, and new district courts for each district were organised in the same session, c. 5; these later on, in 1849, became County Courts. Before this time, i.e., in 1792, by 32 George III., c. 6, inferior courts called Courts of Requests had been constituted to be presided over by one or more justices of the peace and afterwards by Commissioners; these ultimately gave way to Division Courts. There were also courts of General Quarter Sessions of the Peace, composed in fact of the justices of the peace of the district, with large criminal jurisdiction, particulars of which may be found in Blackstone's Commentaries, Book IV. pp. 271 et seqq. These have become the General Sessions in which the County Court judge is in fact the only presiding officer, although in theory, the magistrates are sitting with him. Commissions of Oyer and Terminer and General Gaol Delivery also issued. Over all these courts, the Court of King's Bench, instituted in 1794 by 34 George III. C. 1, exercised authority.

We have seen how a judge of a District Court was punished for taxing too high fees to an attorney; and there are many other instances of the court exercising its supervisory jurisdiction (see Blackstone's Comm. Book III., pp. 42, seqq.).

In Easter term, 4 George IV., May 14th, 1824, (*Pracs. Powell, C.J., Campbell and Boulton, J.J.*) "*E. Edmunds v.*