or by a judge and jury at the general sessions. Should it happen, however, that a man accused of an indictable offence in awaiting trial in the county jail, and a Judge of the Supreme Court is sitting in the county with a jury, he would have to try the accused, even though the offence might be comparatively insignificant. There is no objection to the Supreme Court dealing with the case in those circumstances.

The Supreme Court now has jurisdiction to try these offences only if the Attorney General of the province considers that they are important enough to direct the indictment to be laid and the trial to be by jury.

Is it intended by this section that a man charged with what in the scale of offences is a comparatively minor offence shall be tried without a jury against his will? It is suggested in the notes to the section that offenders would be tried by a judge of the highest trial court, and that thus they would not be deprived of their rights under the ordinary criminal procedure. While that is quite flattering to the judges, it might equally be said that murder, manslaughter or any other grave offence could be tried by such a judge and that would be all right; but the accused would be deprived of his right to be tried by a jury. The only cases in the Criminal Code which are tried without a jury are those dealing with trade conspiracies, section 598.

Hon. Mr. LEGER: Does the section impose an obligation on the bankruptcy judge to hear and interpret offences?

Mr. Justice URQUHART: Not as I read the section.

The purpose of this section appears to be that we should try those offences and the offenders would be deprived of their right to be tried by a jury. If, for instance, a man is accused of armed robbery, he has the right to be tried by a jury. He can be sentenced by a magistrate or judge of the county court, as the case may be, to imprisonment for life and whipping. There are numerous other offences for which life imprisonment can be imposed by county judges, and even by magistrates. Yet by this bill that jurisdiction would be taken away from them and transferred to the highest court in the case of offences not involving a penalty of more than two years.

There is another difficulty. The thirteen judges of the Supreme Court of Ontario have to cover forty-eight counties, and they sit at specified times throughout the province. As I have said, unless we find a man in jail there is no compulsory jurisdiction for us to act except in certain unusual cases. I can see no reason why the magistrates and county judges should not continue to try offenders charged with these indictable offences. If the Attorney-General considers any case of such importance as to warrant it he can order it to be tried before a judge of the Supreme Court.

Hon. Mr. ASELTINE: Has there been any dissatisfaction with the present practice?

Mr. Justice URQUHART: I am coming to that. One of the reasons for the proposed change is that creditors seem to think (*a*) they do not get a sufficient number of convictions, and (*b*) that the penalties on conviction are not adequate. Accordingly, there has been a tendency on their part to criticize the present procedure. Speaking for myself, I certainly will not convict a man who in my opinion is not guilty, neither will I impose a penalty that I do not think is justified by the nature of the offence, just because creditors might think that a bankrupt ought to be convicted and punished to the extent that they might deem sufficient. If this bill is enacted are we not going to subject the highest court in the province to criticism? Heaven knows there is already considerable criticism of our courts and other institutions. I do not think it would be advisable to add one more object of criticism.

Hon. Mr. HAYDEN: It is simply a question whether for the enforcement of the provisions in this bill it is necessary to have the High Court judges try