

THE NEW COUNTY JUDGES' CRIMINAL COURTS.

and speed in administration, if not the steady tide of human progress has opened to us sounder and better ways of dealing with legal procedure. The first great step was in the establishment in Upper Canada of a complete system of local administration which provided crown prosecutors in every judicial district in the country, a body of officers, trained men, taken from the bar, appointed by the Crown, and directly under the Government, to conduct and direct prosecutions against persons charged with crime. Since the federation of the British American Provinces, trial by jury in Ontario has been seriously curtailed by two acts of Parliament, and the idea seems to be gaining ground, that the mode of disposing of cases both civil and criminal by a judge alone will be the rule rather than the exception, and that the Benthamite idea of "single seated justice" will supersede the jury tribunal, which many in the present day believe fails in most cases to answer any valuable purpose.

The design of the act before us, shortly stated, is this: to secure the trial of persons charged with crime with the least possible delay and at the least possible expense. Not that proceedings are intended to be hurried forward with reckless and indecent haste, or, to use the language of Mr. Justice Gwynne's address, elsewhere appearing, that "a slipshod mode of administering Justice, which is far from the intention and design of the act, and which would mar its provisions and deform its symmetry," should prevail. No; on the contrary, it was manifestly intended that the tribunal established under the act should follow a procedure suited to "single seated justice," and calculated on the one hand, to guard, as far as possible, against a failure of justice, and, on the other, to preserve to persons charged with crimes all proper safeguards against indefinite charges as well as to prevent too hasty proceedings against them. In explaining the powers and purposes of the new tribunals, we shall speak of them as their practice has been elaborated in detail, under a uniform code of rules in force in every county in Ontario. On another occasion, we purpose speaking in respect to these rules, devised by the three senior members of the Board of County Judges, and which, under the fostering approval of the Attorney-General, are now the law of the several courts.

It is a matter of regret, we think, that the new law has not force all over the Dominion that it has been extended only to this Province and the Province of Quebec. We do not know how the Maritime Provinces are circumstanced; but for this Province, as might be expected, the act has a *peculiar fitness*. Ontario is divided into thirty-six judicial districts, each composed of one or more counties, with a resident judge in each judicial district who presides over all the local courts, civil and criminal therein, each with a complete court establishment, with Sheriff and other ministerial officers, a court house, and gaol, as in English counties, and with, moreover, a local officer, whom they have not in England, a *local crown prosecutor*, to take charge of and conduct criminal prosecutions in each judicial district. In this Province, therefore, the act comes into full operation without complication or disturbance of existing institutions, and is, it seems to us, in one sense, the necessary complement to the excellent system which was introduced by Sir John A. Macdonald by the County Crown Attorney Act.

By the act now under consideration, each local judge in Ontario sitting under the provisions of the statute, and for every purpose connected with or relating to the trial of offenders, is created a court of record. No regular sittings are appointed, but the court sits from time to time as occasion may require. The Clerk of the Peace is appointed to act as clerk of the court, and the sheriff acts in the same way as in other criminal courts.

"The *jurisdiction* of the court, as respects the nature of the charge, extends to "all offences for which a prisoner may be tried at a General Session of the Peace," in other words, to *nearly every crime, short of a capital felony, known to the law*; and if convicted, "such sentence as the laws allow and the judge thinks right" may be passed upon the convicted person. The jurisdiction, however, is limited to persons committed to gaol on such charges and consenting to be tried by the judge.

The *procedure* is this: within twenty-four hours after a prisoner is committed to gaol for trial upon any such charge, the sheriff notifies the judge of the fact, and when the local prosecutor is ready to proceed (having received and examined the depositions and papers which the law requires to be laid before him