

## CENTRAL CRIMINAL COURTS.

### A SUGGESTED REFORM.

The statistics of criminal and other offences in Canada for the year 1928 (the latest published) reveal a marked increase in criminality over previous years. The tables show that the increase was general all over Canada.<sup>1</sup> The increase was felt in the larger cities where traffic offences increased 46.87 per cent., liquor cases increased 22.33 per cent., and Lord's Day cases 35.31 per cent. The cases dealt with summarily by police magistrates reached their highest percentage (84.2) in 1928, the figures being as follows:

Jury trials .....	4.4 per cent.
Speedy trials .....	11.4 per cent.
Magistrates' Courts .....	84.2 per cent.

There is unquestionably a gradual increase each year in the work of police and stipendiary magistrates in the large cities, and the need for some re-adjustment of the procedure is becoming more and more urgent.

The special report of the Commissioners appointed to revise the Statutes of Canada says (p. 15):

An historical review of the administration of criminal justice in Canada shows that during the last half century a revolution has slowly but surely taken place whereby the function of the Jury has been displaced and jurisdiction in all but the most serious indictable offences has been conferred on police magistrates who have been substituted for that ancient tribunal, the Court of General Sessions of the Peace when the accused consents to be tried by the police magistrate.

The report of the Commission goes on to say that any transfer of jurisdiction would require to be accompanied by some new legislation, but since the report was issued no steps have, so far as I know, been publicly taken to change the present conditions. Part XVI of the Code is in the same chaotic condition as before, and it has always been the subject of stronger adverse criticism than any other portion of the Code.

Would it not be possible to remedy the defects by the establishment of Central Criminal Courts presided over by magistrates empowered to use Part XVIII (Speedy trials) and abolish Part XVI altogether so far as cities are concerned? A Bill covering this might be framed as follows:

<sup>1</sup> See 53rd Annual Report (1929) p. V.

## BILL No. ———

## AN ACT RESPECTING CENTRAL CRIMINAL COURTS.

(Assented to ———, 1927)

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## SHORT TITLE.

1. This Act may be cited as "Central Criminal Courts Act, 19—."
2. The Governor General in Council may by proclamation establish in any city or town having a population of at least 25,000 according to the last decennial or other census taken under the authority of an Act of the Parliament of Canada, a Court to be called the Central Criminal Court of the City of ——— (as the case may be); and thereupon the Lieutenant Governor in Council of the Province or the City Council (as the case may be) may appoint and pay one or more police or stipendiary magistrates or recorders who shall be barristers of not less than five years' standing to preside over such court, and such police or stipendiary magistrate or recorder is hereby vested with all the powers of a Judge under Part XVIII of the Criminal Code, and of a Magistrate under Part XVI, Secs. 773 and 774, and of a Justice of the Peace under the Criminal Code of Canada, or any part thereof.
3. The Court hereby constituted shall be a Court of Record.

It has been urged on many occasions by the various Bar Associations that all indictable offences tried under Part XVI should only be tried by a Judge or magistrate who has been a barrister at law of at least five years' standing. This also is incorporated in the Bill above set out.

Undoubtedly some will raise the cry of expense. Others may say that it is better to leave well enough alone. Perhaps there is some truth in both these objections, but the purpose of this article is to bring the matter up for discussion and criticism so that, if possible, a way out may be found which would be acceptable to all. It is not a question of a new Court with new machinery, but simply a matter of bringing the present Courts up to date to meet modern conditions. Surely there can be no objection to that if it can be done economically and with safety.

Edmonton.

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