

1950

c 158 General Sessions Act

Ontario

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CHAPTER 158

The General Sessions Act

1. In this Act, "court" means court of general sessions of the peace. R.S.O. 1937, c. 104, s. 1. ^{Interpretation.}

2. The courts of general sessions of the peace shall have jurisdiction to try all criminal offences except homicide, and the offences mentioned in section 583 of the *Criminal Code* (Canada). R.S.O. 1937, c. 104, s. 2. ^{Jurisdiction. R.S.C. 1927 c. 36.}

3.—(1) Except where otherwise provided, in each year the sittings of the court shall be held in every county commencing on the first Monday in June and December. R.S.O. 1937, c. 104, s. 3 (1); 1942, c. 34, s. 15 (1). ^{Sittings, general rule.}

(2) In the county of Carleton the sittings of the court each year shall commence on the first Monday in April and the third Monday in October. O.Reg. 251/48, *part, amended*. ^{Exceptions, Carleton.}

(3) In the county of Essex the sittings of the court in each year shall commence on the first Monday in April and the third Monday in November. O.Reg. 113/50, *part, amended*. ^{Essex:}

(4) In the county of Middlesex the sittings of the court in each year shall commence on the first Monday in June and the second Monday in November. R.S.O. 1937, c. 104, s. 3 (6), *part*; O.Reg. 113/50, *part, amended*. ^{Middlesex:}

(5) In the county of Simcoe the sittings of the court in each year shall commence on the first Monday in June and the third Monday in October. O.Reg. 275/48, *part, amended*. ^{Simcoe:}

(6) In the county of Wentworth the sittings of the court in each year shall commence on the last Wednesday in February and November and on the first Wednesday in May and September. O.Reg. 11/49, *part, amended*. ^{Wentworth:}

(7) In the county of York the sittings of the court in each year shall commence on the first Monday in December, March and May and on the second Tuesday in September. R.S.O. 1937, c. 104, s. 3 (4), *amended*. ^{York:}

(8) The judges of the county court district may postpone the date of any sittings provided the postponement does not, in ^{Postponement of sittings.}

the opinion of the judges, conflict or interfere with the sittings of the Supreme Court in such county court district.

Notice of postponement.

(9) Where any such sittings is so postponed, notice of the postponement and of the date upon which the sittings shall commence shall be posted in the office of the county court clerk in every county in the county court district not later than sixty days before the commencement of such postponed sittings. R.S.O. 1937, c. 104, s. 3 (2, 3).

Lieutenant-Governor may specify opening day.

(10) When it is deemed necessary or expedient in respect of any county the Lieutenant-Governor in Council may specify a different opening day for the sittings of the court from those provided in this section, in which case the sittings shall be held on the day specified. 1948, c. 36, s. 1.

Concurrent sittings.

4. In any county two or more concurrent sittings of the court may be held for the trial of cases with or without a jury and the hearing of appeals. R.S.O. 1937, c. 104, s. 3 (7).

Place of sittings.

5. The sittings of the court shall be held in the county town of the county, unless the Lieutenant-Governor, by proclamation, authorizes the holding of the sittings at some other place in the county. R.S.O. 1937, c. 104, s. 4.

Sittings in provisional judicial districts.

6. In the provisional judicial districts sittings of the court shall be held at the same time and place as the sittings of the district courts for the trial of issues of fact and assessment of damages with or without a jury. R.S.O. 1937, c. 104, s. 5.

Who may preside.

7. The judge of the county or district court as the case may be, or a junior or deputy judge shall be the chairman of the court and shall preside at the sittings thereof. R.S.O. 1937, c. 104, s. 6.

Presence of justice unnecessary.

8. Where a judge is present it shall not be necessary in order to constitute the court that a justice of the peace be present. R.S.O. 1937, c. 104, s. 7.

When adjournment permitted.

9.—(1) Where a judge is unable to hold the sittings at the time appointed the sheriff or his deputy may, by proclamation, adjourn the court to any hour on the following day to be by him named, and so from day to day until a judge is able to hold the court or until he receives other directions from the judge or from the Attorney-General.

Attorney-General to be notified.

(2) The sheriff shall forthwith give notice of such adjournment to the Attorney-General. R.S.O. 1937, c. 104, s. 8.

10.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may,

Power of
Rules
Committee
as to,

- (a) make rules for regulating the practice and procedure in the county and district courts; rules of
practice;
 - (b) make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts; fees of
Crown;
 - (c) prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts; fees of
solicitors;
 - (d) prescribe forms for use in such courts. R.S.O. 1937, forms. c. 104, s. 11 (1); 1941, c. 21, s. 2.
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