

1927

c 92 General Sessions Act

Ontario

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CHAPTER 92.

The General Sessions Act.

Interpreta-
tion.

1. In this Act "Court" shall mean court of general sessions of the peace. R.S.O. 1914, c. 60, s. 2.

JURISDICTION.

Jurisdiction.

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 of Canada. R.S.O. 1914, c. 60, s. 3.

SITTINGS.

General ses-
sions when to
be held.

3.—(1) Except in the Counties of Carleton, Middlesex, and York, sittings of the court shall be held in every county semi-annually, commencing on the second Tuesday in the months of June and December in each year.

Counties of
York and
Wentworth.

(2) In the Counties of York and Wentworth, sittings of the court shall be held four times in the year, commencing on the first Tuesday in the months of December and March, and on the second Tuesday in the months of May and September in each year.

Counties of
Carleton and
Middlesex.

(3) In the Counties of Carleton and Middlesex two such sittings shall be held in each year to commence on the first Tuesday in June and December. R.S.O. 1914, c. 60, s. 4.

Concurrent
sittings
in York.

(4) In the County of York 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. 1922, c. 43, s. 2.

Place of
sittings.

4. 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. 1914, c. 60, s. 5.

Sittings in
provisional
judicial
districts.

5. 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. 1914, c. 60, s. 6.

6. 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. 1922, c. 43, s. 3.

Who may preside.

7. Where a judge is present it shall not be necessary, in order to constitute the court, that an associate or other justice of the peace should be present. R.S.O. 1914, c. 60, s. 8.

Sittings of associate justice of peace dispensed with when a judge present.

8.—(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.

When adjournment permitted.

(2) The sheriff shall forthwith give notice of such adjournment to the Attorney-General. R.S.O. 1914, c. 60, s. 9.

Attorney-General to be notified.

RESCINDING ORDERS OF COURT.

9. Except where otherwise provided by law an order, which has been passed or recorded by any number of justices of the peace, shall not be rescinded unless at least the same number is present. R.S.O. 1914, c. 60, s. 10.

When order of justices may be rescinded.

CLERK OF THE PEACE.

10.—(1) There shall be a clerk of the peace for every county and district, who shall be appointed by the Lieutenant-Governor in Council. R.S.O. 1914, c. 60, s. 11 (1).

Clerk of the peace.

(2) No person shall be appointed clerk of the peace who is not a barrister of at least three years' standing at the Bar of Ontario, and except where otherwise provided by Order in Council, a resident of the county or district for which he is appointed. 1918, c. 20, s. 15 *part*.

Clerk of the peace; qualification and residence.

(3) Except in the County of York every clerk of the peace shall be *ex officio* Crown attorney for the county or district for which he is clerk of the peace. 1918, c. 20, s. 15 *part*.

(4) Except in the County of York, whenever a vacancy occurs in the office of the clerk of the peace for a county or district in which the clerk of the peace was not, previous to such vacancy occurring, also Crown attorney, the Crown attorney for the county or district shall be *ex-officio* clerk of the peace.

On any vacancy. Crown attorney to be clerk of the peace.

(5) Where a person holding the office of Crown attorney and clerk of the peace desires, on account of the condition of his health or from his age, to resign the former, retaining the latter office, he may do so with the approval of the Lieutenant-Governor in Council; and in such case the per-

Resigning office of Crown attorney and retaining office of clerk of the peace.

son appointed in his place shall, on a vacancy occurring in the office of the clerk of the peace, be *ex-officio* clerk of the peace.

In County
of York.

(6) In the County of York, the offices of clerk of the peace and Crown attorney may be held by different persons. R.S.O. 1914, c. 60, s. 11 (3-5).

As to fees of clerk of peace, see The Administration of Justice Expenses Act, Rev. Stat. c. 126.

TARIFF OF FEES.

Tariff of
fees.
Rev. Stat.
c. 95.

11.—(1) The board of county judges appointed under *The Division Courts Act*, or the majority of them, may frame a tariff of fees and costs to be allowed in respect of proceedings in the courts of general sessions of the peace to counsel and solicitors practising therein, and to witnesses and to the clerk of the peace, including the Crown attorney.

Submission
to judges
of Supreme
Court.
Rev. Stat.
c. 88.

(2) The board or any three members thereof shall certify any tariff so framed or any amendment thereof to the judges authorized to make rules under *The Judicature Act*, who may approve, disallow or amend such tariff or amendment.

Effect of
tariff.

(3) A tariff so approved, or amended and approved, shall have the same force and effect as if it had been enacted by this Legislature. R.S.O. 1914, c. 60, s. 12.
