

turbing religious worship, but an appeal was given to any one so convicted to the Quarter Sessions and the appeal was before a jury.

This it will be seen was an interference with the traditional right of trial by jury in every criminal case. The procedure was found advantageous, and from time to time power was given to Justices, one or two, to try other offences. I do not intend here to give a history of evolution but simply to state the law as it at present stands.

By the British North America Act of 1867, 30-31 Victoriae (Imp.), c. 3, s. 91 (27), the Dominion was given jurisdiction in "the Criminal Law, except the constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters."

Notwithstanding this the Province has the power to make the violation of any of its enactments a crime and to enable municipal corporations to make by-laws and to make violation of such by-laws a crime; these crimes are tried by Justices of the Peace without a jury. But in these cases the word crime is used in a broad sense. In crime proper, the Dominion has full and exclusive jurisdiction, and the law of crime has been codified by the Dominion Parliament. It is now to be found in the Revised Statutes of Canada (1906), c. 146, with a few amendments.

Crimes are divided into indictable offences and offences not indictable. The latter are tried without a jury, the former in most cases may be tried without a jury if the accused prefers.

Non-indictable offences are as follows (I add the trial tribunal):

Sec. 83. Resisting a warrant for searching for a deserter.

Two Justices of the Peace.