

to the above exceptions, no doubt alluded to the *common law* offences, perjury under the statute of Elizabeth not having been decided to be without the jurisdiction.

Such being the state of the law when it was introduced into this country, has the jurisdiction of the Sessions been diminished or changed by any Provincial act?

But before going further, we may mention that the English law has been altered by Imp. Stat. 5 & 6 Vic. c. 38, s. 1, and the jurisdiction of the General Sessions greatly lessened. By that statute, among other crimes excepted from its jurisdiction, are the crimes of murder, perjury, subornation of perjury, forgery, &c.; but this statute having been passed long subsequent to the time when the English criminal law was introduced into Canada, does not affect our law on the subject. It may be said, from the fact of the crimes before mentioned being expressly excepted from the jurisdiction of the General Sessions, that the English Legislature considered that such crimes were not before then without the jurisdiction of these Courts; but this does not necessarily follow, as the law was very properly defined so as to prevent any doubt or uncertainty as to the jurisdiction.

If we, then, have no special enactment excepting these crimes, it would seem that, as regards them, the jurisdiction of General or General Quarter Sessions of the Peace still exists. The only act since the act first referred to (Con. Stat. U. C. cap. 17), bearing on the subject, is the act of 24 Vic. cap. 14, which abolishes the power of the Quarter Sessions to try treasons and felonies punishable with death. This act was, however, repealed by Dominion statute 32 & 33 Vic. cap. 36. The Dominion Act 32 & 33 Vic. cap. 29, sec. 12, withholds jurisdiction from the Sessions in cases of felony punishable with death, and libel; and cap. 21 withholds it in cases of fraud by agents, bankers, factors, trustees and public officers (*vide* sec. 92); and 32 & 33 Vic. cap. 20, in certain offences against the person, set forth in secs. 27, 28 & 29, withholds jurisdiction; so that, with these exceptions, the power of the Quarter Sessions is the same as before.

It will be noticed that the Act respecting Perjury (Dom. stat. 32 & 33 Vic. cap. 28, sec. 6), empowers the judge, &c., to direct that any person guilty of perjury before him shall be prosecuted, "and to commit such person so directed to be prosecuted until the next

term, sittings or session of *any Court having power to try for perjury.*" Now, the language of the English enactment 14 & 15 Vic. cap. 100, sec. 19, from which ours is taken, after providing that it shall and may be lawful for any judge, &c., to direct, &c., is as follows: "and to commit such person so directed to be prosecuted until the *next session of oyer and terminer or gaol delivery* for the county or district where," &c.; indicating that the jurisdiction over such cases in this country is not confined to the assizes only, as in England. From all which, we take the deduction to be, that in cases of perjury at common law, the Court of General Sessions of the Peace has no jurisdiction; in cases of perjury under the statute of Elizabeth (this statute relates to perjury by witnesses only) the Court has jurisdiction. In cases of forgery at common law, it has not jurisdiction: *R. v. Yarrington*, Salk. 406; *R. v. Gibbs*, 1 East. 173. As, however, the statute of Edward provides that if a case of difficulty arises upon the determination of the premises, that judgment shall in no wise be given unless in the presence of one of the justices of one or the other Bench, or of one of the justices appointed to hold the assizes, it is not at all probable that the justices sitting in General Sessions will take upon themselves to determine crimes of the more serious nature, but will exercise the power above given them of allowing such crimes to remain over for the judge holding the assizes.

We do not feel that we have arrived at a very satisfactory conclusion—certainly not at the generally conceived idea; but in view of the premises, we can form no other opinion on the matter.

It is not improbable that the jurisdiction of the Court of General Sessions will soon be fully settled by a decision of one of the Superior Courts of Common Law, as we understand a case was reserved lately by one of the County judges, upon the ground that he had doubts, and desired to have the opinion of the Court of Queen's Bench as to whether or not the Courts of General Sessions have jurisdiction in cases of forgery.