

DIARY FOR FEBRUARY.

1. Wed. Last day for Co. Trea. to furnish to Ck of Mun. in Co's list of lands liable to be sold for taxes. Assessors to complete rolls, unless time ext.
2. Thur. Examination of Law Students for call to the Bar with Honors.
3. Frid. Examination of Law Stud. for call to the Bar.
4. Sat. Exam. of Art. Clerks for certificate of fitness.
5. SUN. *Septuagesima Sunday.*
6. Mon. Hilary Term begins. Articled Clerks going up for inter-examination to file certificate.
8. Wed. Inter-examination Law Students and Articled Clerks. New Trial Day, Queen's Bench.
9. Thur. New Trial Day, Common Pleas. Last day for setting down and giving notice of re-hearing in Chancery
10. Frid. Paper Day, Q. B. New Trial Day, C. P.
11. Sat. Paper Day, C. P. New Trial Day, Q. B.
12. SUN. *Sexagesima Sunday.*
13. Mon. Paper Day, Q. B. New Trial Day, C. P.
14. Tues. *St. Valentine.* Paper Day. C. P. New Trial Day, Q. B.
15. Wed. Paper Day, Q. B. New Trial Day, C. P.
16. Thur. Paper Day, C. P. Open Day, Q. B. Re-hearing Term in Chancery commences. Last day for service of summons for Co. Court, York.
17. Frid. New Trial Day, Q. B. Open Day, C. P.
18. Sat. Hilary Term ends. Open day.
19. SUN. *Quinquagesima Sunday.*
22. Wed. *Ash Wednesday.*
24. Frid. *St. Matthias.*
26. SUN. *1st Sunday in Lent.*
27. Mon. Last day for declaration County Court York.

The Local Courts'

AND

MUNICIPAL GAZETTE.

FEBRUARY, 1871.

GENERAL SESSIONS OF THE PEACE.

JURISDICTION IN CASES OF PERJURY.

Our attention has been called to the above subject by various articles that have lately appeared in our public papers, and by discussions that have taken place thereon. Upon looking into the matter, we are compelled to admit that it is a subject by no means free from doubt as to whether the Court of General Sessions of the Peace has power to try cases of perjury or not. We will endeavour, however, to give some idea of how the matter rests.

Our Act (Con. Stat. U. C. cap. 17) relating to General Sessions does not so much constitute a new Court, as continue and make valid the commissions and authority under which the Courts had been formerly holden, that is, prior to 41 Geo. III. It will be noticed that the County Courts, and some of the other Courts, have special acts, by which they were constituted Courts in Upper Canada; whereas, as mentioned before, Courts of Quarter Sessions were only confirmed and continued by the first act of our Legislature which specially refers to them. This being so, it becomes

necessary to enquire under what authority were the Courts of General or Quarter Sessions in this country first held. We should say, by the act introducing the criminal law of England in this Province.

Now, our act respecting these Courts says nothing in reference to jurisdiction; in which case we must fall back on the English law, and ascertain what law governed the jurisdiction of Courts of General Sessions in England when the criminal law was introduced into this Province.

The Court of General or General Quarter Sessions of the Peace was established in England in the reign of Edward III, for the trial of felonies, and of those misdemeanors and other matters which justices of the peace, by virtue of their commission or otherwise, might lawfully hear and determine. The statute 24 Ed. III. cap. 1, states what offences may be tried by these Courts, and, after enumerating a large number of different classes of cases, goes on to say, "and to hear and determine all and singular the felonies, trespasses, &c., according to the law and statutes of England." There was some considerable doubt entertained as to what the words "felonies" and "trespasses" included, and what constructions ought to be placed upon them; but the authorities now seem to be agreed that, with the exception of *perjury at common law*, and *forgery at common law*, the Court of Quarter Sessions has jurisdiction of all felonies whatsoever—even murder (2 Hawk. P. C. cap. 8, sec. 63). It has been long ago settled that for perjury *at common law*, an indictment at the Quarter Sessions will not lie (see 2 Hawk. P. C. cap. 8, sec. 64; *R. v. Bainton*, 2 Str. 1088); but perjury *under the statute* 5 Eliz. cap. 9, is within the jurisdiction. In a case that came up before Lord Kenyon, C. J.: *R. v. Higgins*, 2 East. 5 (an indictment for soliciting a servant to steal goods from his master), it was argued that the case did not fall within the jurisdiction of the Sessions, but his Lordship said, "I am clearly of opinion that it is indictable at the Quarter Sessions, as falling within that class of offences which, being violations of the law of the land, have a tendency, it is said, to a breach of the peace, and are therefore cognizable by that jurisdiction. Of this rule there are indeed two exceptions, namely, forgery and perjury;—why exceptions, I know not; but having been expressly so adjudged, I will not break through the rules of law." His Lordship, in referring