

THE JURISDICTION OF THE COURTS OF GENERAL SESSIONS OF THE PEACE.

county, division, city or place, nor any judge of the sessions of the peace, nor the recorder of any city shall at any session of the peace try any person for any offence under the 27th, 28th and 29th sections of that Act, that is for causing injuries by the explosion of gunpowder or other explosive substance or any corrosive fluid to persons or buildings, ships or vessels, and 32 & 33 Vict. cap. 21. sec. 92 by which it is enacted that no misdemeanour against any of the sixteen last preceding sections of that Act shall be prosecuted or tried at any Court of General Quarter Sessions of the Peace; these sixteen sections all relate to frauds by agents, bankers or factors.

Chief Justice Wilson in the case of *The Queen v. McDonald*, 31 U. C. R., at page 339, refers to the three statutes which I have just mentioned, and says: "The exceptions contained in the last three named statutes, and the excepted cases of forgery and perjury, define as nearly as may be what the general jurisdiction of the Sessions of the Peace is: the unexcepted offences they may try."

This judgment was pronounced in 1871. Since then the Dominion Act, 37 Vict. cap. 9, was passed in 1874. By section 118 of this it is enacted that no indictment for bribery or undue influence, personation or other corrupt practices shall be triable before any Court of Quarter or General Sessions of the Peace.

This Act refers to elections of members of the House of Commons, but it is suggested by Mr. Justice Taschereau that perhaps the words of the section I have quoted are wide enough to extend to elections of the Local Legislature and to municipal elections.

I do not know of any other provisions limiting the jurisdiction of the Sessions. It is quite possible that some have escaped my observation as the little time at my disposal has not allowed me to make as close and thorough an examination of the

statutes as I could have wished. I did not, however, expect to make this paper exhaustive of the subject. In any case which may come up for trial of an unusual character or under any special statute the provisions of the Act creating or defining the offence will always have to be carefully examined to ascertain what provisions, if any, have been made as to the mode of trial.

In addition to the offences I have named, Mr. Taschereau suggests that counterfeiting coin is declared to be treason by different statutes, and consequently is not triable at the Sessions. No doubt counterfeiting the king's money in former times was treason, but under the Canadian Statutes it is expressly declared to be felony; the form of indictment given in the Criminal Procedure Act uses the word feloniously, and so do the forms I find in the books on criminal pleading. I doubt the offence now being punishable as treason.

Mr. Taschereau also suggests that subornation of perjury is by common law not within the jurisdiction of the Sessions and refers to Dickenson's Quarter Sessions in support of his view. This authority sustains him, but the cases referred to in Dickenson do not seem directly in point. The reason, however, for excluding perjury seems equally forcible for excluding subornation of perjury.

I have more than once referred to the case of *The Queen v. Macdonald*, 31 U. C. R. 337, in which it was laid down that the Sessions had no jurisdiction in cases of either forgery or perjury. This case follows, on the question of forgery, the decision of Chief Justice Robinson in *The Queen v. Dunlop*, 15 U. C. R. 118, and is supported, on the question of perjury, by the subsequent decision of *The Queen v. Currie*, 31 U. C. R. 582.

In none of these cases is the distinction between forgery and perjury at common