

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 *Regina 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 *Regina v. Dunlop*, 15 U. C. R. 118, and is supported on the question of perjury by the subsequent decision of *Regina v. Currie*, 31 U. C. R. 582.

In none of these cases is the distinction between forgery and perjury at common law and the same offences by statute adverted to, nor does it appear what was the nature of the offence in these cases in this particular. In the English authorities I have referred to, the jurisdiction of the Sessions is denied in cases at common law, and it is admitted that the sessions had jurisdiction in cases of perjury at all events under the Statute 5 Eliz. cap. 9, (which relates to perjury by witnesses in Court), by virtue of the words of that statute. In the article in the *Canada Law Journal* of February, 1871, to which I have already adverted, the view is sustained that the Sessions still have jurisdiction in cases of perjury by witnesses in Court, and a distinction is taken between the language of our statute 32 & 33 Vict. cap. 23, sec. 6, and the English Act, 14 & 15 Vict. cap. 100, sec. 19, from which our Act is taken, as indicating that in this country the jurisdiction over such cases is not confined to the assizes only as in England. The writer of that article, however, suggests that in view of the directions given by the statute of Edward to the Sessions in cases of difficulty not to give judgment unless in the presence of a justice of one or the other Bench, or the justice assigned to hold the assizes, it is not probable that the justices in Sessions will take upon themselves to decide