

DIARY FOR AUGUST.

1. Tues. *Lammas*.
6. SUN. *9th Sunday after Trinity*.
13. SUN. *10th Sunday after Trinity*.
14. Mon. Last day for County Clerks to certify county rates to municipalities in counties.
20. SUN. *11th Sunday after Trinity*.
21. Mon. Long Vacation ends.
23. Wed. Last day for setting down and giving notice for re-hearing in Chancery.
27. SUN. *12th Sunday after Trinity*.
28. Mon. County Court Term (York) begins.
31. Thur. Re-hearing Term in Chancery.

The Local Courts'

AND

MUNICIPAL GAZETTE.

AUGUST, 1871.

FORGERY AND THE QUARTER SESSIONS.

Our attention has again been called to this matter by a correspondent who sends us an extract taken from a local paper, of the proceedings at the General Sessions of the Peace for the County of Waterloo. It appeared that a person charged with forgery had given bail to appear at the next court of competent jurisdiction. He attended at the Sessions, and the witnesses for the Crown and the prisoner were also in attendance. The County Attorney, although entertaining the opinion that the crime could be tried at the Sessions, as the matter was one of grave doubt, asked the Chairman to decide whether the Court would try the case or not in order that he might know whether to go before the Grand Jury with an indictment. He referred at length to the remarks in the *CANADA LAW JOURNAL* (7 C. L. J. N. S. 31) bearing the subject.

His Honor Judge Miller, after going into the matter very fully, and while agreeing with the Crown Attorney as to the power of this Court to try cases of forgery, stated that the Court had decided not to try the case in consequence of the *dictum* of Chief Justice Robinson in *Reg. v. Dunlop*, 15 U.C. Q.B. 118. and in view of the fact that the question of the jurisdiction of this Court in such cases was, as he was informed, under the consideration of one of the Superior Courts, and when the jurisdiction appeared to be involved in so much doubt, the Court would not now try the case, especially since the accused was out on bail and could appear for his trial at the next Fall Assizes.

We must refer our correspondent and readers generally to the case of *Reg. v. McDonald*, which was reserved by the Chairman of the General Sessions of the County of Elgin, at the last December sittings, and wherein the Court of Queen's Bench decided last term that the Courts of Sessions have no jurisdiction in cases of forgery. The published report of the case will probably show that the question of jurisdiction in cases of perjury was also considered and authoritatively determined.

ELECTION PETITIONS.

We devoted most of our space in the August number of the *Law Journal* to the consideration of matters arising under the recent Election Acts. The report of the Stormont case, so far as it has gone, and the notes of decisions in the Brockville case, have been carefully prepared, and will be read with interest, especially by those engaged in working up the election cases which are yet to be tried.

An extra number of copies of the August issue of the *Journal* have been struck off, and may be obtained from the publishers.

We take from the report of the *Stormont Case* the following summary of the points of law decided by Chief Justice Richards on the scrutiny :

1. That the writ of election and return need not be produced or proved before any evidence of the election is given.
2. On a scrutiny the practice in the English cases is for the person in a minority to first place himself in a majority, and then the person thus placed in a minority to strike off his opponents' votes.
3. The name of a voter being on the poll book is *prima facie* evidence of his right to vote. The party attacking the vote may either call the voter, or offer any other evidence he has on the subject.
4. A voter being duly qualified in other respects, and having his name on the roll and list, but entered by mistake as tenant instead of owner or occupant, or *vice versa* : held, not disfranchised merely because his name is entered under one head instead of another.
5. The only question as to the qualification of a voter settled by the Court of Revision, under the Assessment Act, is the one of value.
6. Where father and son live together on the father's farm, and the father is in fact the principal, to whom money is paid, and who distributes it, and the son has no agreement