

Law School.

MAY EXAMINATION : 1897.

THIRD YEAR.

CRIMINAL LAW.

PASS.

Examiner : R. E. KINGSFORD.

1. To what extent is a civil remedy for an act which is a crime, affected by our law ?

(b) State the Common Law rule or doctrine and the present provision on the subject.

(c) Explain the principle on which the rule rested, and mention any decisions of our Courts supporting the rule.

2. Name the statutes upon which the extra-territorial jurisdiction of our Criminal Courts depends, and the particular sections, or the substance of those sections, applicable.

(b) Mention any offence which the Courts in Canada may try independently of any such jurisdiction, and give reasons therefor.

3. A., an express agent in New York State, receives \$150, which had been collected by his employers for B. He deposits the money in his employer's safe, but makes no entry in their books of its receipt. He subsequently absconds with the money to Canada, where he is arrested.

(a) Of what offence may A. be convicted ?

(b) State the substance of the statutory provision.

(c) What is the law of England on the point ?

4. State the jurisdiction of the County Court Judge's Criminal Court.

(b) Why was this Court established ? Explain.

(c) Describe the procedure necessary to bring a prisoner (previously committed by a justice) before the Court for trial.

5. To what extent is an arrest on suspicion without a warrant *expressly* recognized by the Code ? Explain.

(b) To what extent is it *impliedly* recognized ? Give the effect of the provisions of the statute which are applicable.

6. State the objections, which have been removed by our present law, to initiating a criminal prosecution by a bill before the grand jury in the first instance.

(b) Specify the offences the prosecution of which could not be so initiated, and give the statutory provision under which such offences were made exceptions.

7. In what senses is the term "presentment" used in our Criminal Courts ?

(b) What is the difference between a "presentment," strictly so called, and an "indictment" ?

(c) Wherein does a criminal information differ from an indictment ? Answer fully.

8. A. is brought before a Justice of the Peace, charged with the crime of embezzlement. The Justice, after hearing all the evidence, dismisses the charge.

(a) How, notwithstanding this dismissal, may a bill be got before the grand jury ? Explain.

(b) If the bill found by the grand jury contains a count for larceny as well as embezzlement (there having been no previous charge of larceny against the accused), what remedy has the accused, and when may it be exercised ? Give the statutory provisions applicable.

9. Describe and illustrate the difficulties as to alternative allegations in an indictment prior to the Code, and how they were overcome.

(b) State the scope of the rule laid down in the Code with respect to such allegations.

10. Point out wherein the section in the Code, as to taking objections to an indictment, differs (a) from the similar provision in the English Statute, and (b) from our own Statute prior to the Code.

(b) Mention any authorities for and against the argument that the provision in the Code is not different in effect from that in the English Act.

11. How was an objection to the constitution of a grand jury formerly taken, and upon what grounds ?

(b) How must such an objection be taken now, and what is necessary to ensure its success ? Explain fully.

12. A. is stabbed by B. on 1st May, 1896, and dies from the wound on 2nd May, 1897. B. is charged with wounding A. with intent, and A.'s stenographic deposition, on that charge, is taken on 18th June, 1896. On 1st February, 1897, B. is convicted and sentenced. On 6th June, 1897, a true bill for murder is found against B.

(a) Could A.'s deposition be used against B. on both charges before the grand jury and the petit jury, and, if so, on what conditions ?

Explain, and give the provisions of the Code which are applicable and the rights and remedies of the accused under the above state of facts.