

DEFECTS OF FORM—Continued :

also, Cap. 179, Sects. 5, 6. (pp. 52, 53.)——But if any such defect shall have misled the party summoned or accused, the case may be adjourned,—Cap. 178, Sects. 1, 3. (pp. 2, 4.); also, Cap. 179, Sects. 5, 6. (pp. 52, 53.)

No variance between the information and the evidence adduced in support thereof to be deemed material, if the offence be proved to have been committed within the jurisdiction of the examining Justice. If defendant has been misled thereby, the case may be adjourned,—Cap. 178, Sec. 8. (p. 7.)

DEFENDANT :

(Summary Convictions.)

If misled by any defect or error in the warrant for his apprehension, may request an adjournment of the case,—Cap. 178, Sec. 8. (p. 8.)

Shall (in cases for Summary Conviction) be admitted to make his full answer to the Complaint, and to have witnesses examined by Counsel or Attorney,—Cap. 178, Sec. 11. (p. 8.)

Not appearing at the examination, upon a Summons, Justice may hear and determine the case, or may issue a warrant (Schedule B.) and adjourn hearing of the case: On his being apprehended on such warrant, he shall be brought before the Justice and committed (Schedule H.) for safe keeping, and admitted to Bail (Schedule E.),—Cap. 178, Sec. 12. (p. 9.)

If Complainant and Defendant appear personally or by Counsel or Attorney, the hearing of the case shall proceed,—Cap. 178, Sec. 12. (p. 9.)

May not be heard in reply to evidence given by Complainant in reply to Defendant's evidence,—Cap. 178, Sec. 13. (p. 10.)

Conviction (Schedule I 1, 3.) or Order (Schedule K 1, 3.) to be made upon defendant, after hearing the evidence, or Complaint to be dismissed, and an Order of Dismissal (Schedule L.) made, a Certificate (Schedule M.) whereof shall be given to defendant, which shall be a bar to any subsequent Information against him for the same matter,—Cap. 178, Sec. 13. (p. 10.)

No Warrant of Distress for disobeying an Order of a Justice for the payment of money, shall issue, until Defendant has been served with a copy of the minute of such Order,—Cap. 178, Sec. 16. (p. 12.)

On the issuing of a warrant of Distress, defendant may be suffered to go at large, or be kept in safe custody, or admitted to bail, until Return of the Warrant,—Cap. 178, Sec. 19. (p. 14.)

In default of sufficient distress, may be committed (Schedule N 5.) for such time as the Statute under which he was convicted may direct, unless the sum adjudged, with costs and charges, be sooner paid,—Cap. 178, Sec. 20. (p. 15.)

To be discharged from custody on payment of any penalty, &c., for which he is in confinement, with costs,—Cap. 178, Sec. 24. (p. 16.)

(Indictable Offences.)

If misled by any error or defect in the Warrant, may request an adjournment of the case,—Cap. 179, Sec. 6. (p. 53.)

Concerning the cross-examination of witnesses at the examination, by Defendant, or his Counsel or Attorney,—Cap. 179, Sec. 9. (p. 56.)

Depositions (on examination) to be read to him. His statement in answer to the charge to be taken down (Schedule N.) and signed by the Justice. May be used against him on the trial, if duly signed. To be cautioned before making any admission or confession. Prosecutor may produce in evidence any Statement or admission of accused admissible as evidence,—Cap. 179, Sec. 10. (p. 56.)

Examination of:—See Examination.

If remanded, may be admitted to Bail, on entering into a Recognizance (Schedule Q 2, 3.) to appear at the next examination; if he do not then appear, a certificate thereof (Q 4.) to be endorsed, and Recognizance to be transmitted to the Clerk of the Peace,—Cap. 179, Sec. 13. (p. 58.)