

COMPLAINT, OR INFORMATION—*Continued* :*(Indictable Offences.)*

Proceedings on a Complaint for an indictable offence,—Cap. 179, Sec. 1. (p. 49.)

Must be made in writing, on oath, when a Warrant is sought to be issued (Schedule A.) but may, in cases where it is specially provided by Act of Parliament, be parol when a Summons only is applied for. No objection to the Information shall be allowed for any defect in form or substance; and if any credible witness shall declare on oath (Schedule E 1.) his belief that any stolen property is in any particular house or other place, a Search Warrant (Schedule E 2.) may be granted,—Cap. 179, Sec. 4. (p. 51.)

On receiving the same, the Justice may issue his Summons or Warrant,—Cap. 179, Sec. 5. (p. 52.)

A party charged with an offence committed within another territorial division may, on sufficient proof thereof appearing, be committed to the Gaol of such division for trial; or, if the evidence be not sufficient, the witness shall be bound over to give evidence, and a Warrant (Schedule R 1.) shall issue for taking the accused before some Justice within such division, together with the Information, Depositions and Recognizances; and such Justice shall give to the constable charged therewith, a certificate (Schedule R 2.) of the delivery of the accused, and of the Depositions, &c.,—on production of which to the Sheriff of his own division, (if employed by him, or otherwise to the Treasurer) his costs and expenses shall be paid,—Cap. 179, Sec. 14. (p. 59.)

CONFESSION :

Defendant to be cautioned, before making any admission or confession, that it may be given in evidence against him on his trial,—Cap. 179, Sec. 10. (p. 56.)

Prosecutor may give in evidence any admission, confession or other statement of accused, made at any time, which by law would be admissible as evidence,—Cap. 179, Sec. 10. (p. 57.)

CONSTABLE :

Employed to deliver a Summons, shall attend and depose to the service thereof,—Cap. 178, Sec. 1. (p. 2.); also, Cap. 179, Sec. 5. (p. 52.)

Duty of Constable in executing a warrant directing accused party to be taken before a Justice in another division,—Cap. 179, Sec. 14. (p. 60.)

On receiving a Warrant of Commitment, shall convey the accused person to Gaol, and deliver him to the Gaoler, who shall give him a receipt, (Schedule T 2.) describing the condition of the prisoner,—Cap. 179, Sec. 18, (p. 62.)

CONVICTION :

On admission by defendant of the truth of the Information or Complaint, or on the same being proved by evidence, a Conviction or Order shall be made against him, in one of the forms in Schedules I 1, 3. or K 1, 3. respectively (where no other form is prescribed by law),—Cap. 178, Sects. 13, 16. (pp. 10, 12.)

Costs may be allowed the complainant,—to be specified in the Conviction, and recoverable by distress or imprisonment,—Cap. 178, Sec. 17. (p. 12.)

If Defendant be adjudged to imprisonment, and be then in confinement for another offence, the warrant shall be delivered to the gaoler, and the imprisonment thereunder may commence at the expiration of the first imprisonment,—Cap. 178, Sec. 21. (p. 15.)

On an Appeal against any Conviction, being decided in favor of Respondent, any Justice may issue a warrant of distress or commitment, as though such Appeal had not been made,—Cap. 178, Sec. 23. (p. 16.)

In all cases where the law requires that a Conviction be made by two or more Justices, such Justices shall act together during the whole of the hearing and determination of the case,—Cap. 178, Sec. 25. (p. 17.)