

Justices not obliged to issue summonses in certain cases.

No objection allowed for want of form.

of the said summons: Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such summons in any case where the application for any order of Justices is by law to be made *ex parte*: Provided also that no objection shall be taken or allowed to any information, complaint or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint or summons, and the evidence adduced on the part of the informant or complainant, at the hearing of such information or complaint as hereinafter mentioned; but if any such variance shall appear to the Justice or Justices present and acting at such hearing to be such that the party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day.

If summons be not obeyed Justices may issue warrant.

II. And be it enacted, That if the person so served with a summons as aforesaid shall not be and appear before the Justice or Justices at the time and place mentioned in such summons, and it shall be made to appear to such Justice or Justices, by oath or affirmation, that such summons was so served, what shall be deemed by such Justice or Justices to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon oath or affirmation being made before him or them, substantiating the matter of such information or complaint to his or their satisfaction, to issue his or their warrant (B) to apprehend the party so summoned, and to bring him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same District, to answer to the said information or complaint, and to be further dealt with according to law; or upon such information being laid as aforesaid for any offence punishable on conviction, the Justice or Justices before whom such conviction shall have been made, if he or they shall think fit, upon oath or affirmation being made before him or them substantiating the matter of such information to his or their satisfaction, instead of issuing such summons as aforesaid, issue in the first instance his or their warrant (C) for apprehending the person against whom such information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justices of the Peace in and for the same District, to answer to the said information, and to be further dealt with according to law; or if where a summons shall be so issued as aforesaid, and upon the day and at the place appointed in and by the said summons for the appearance of the party so summoned, such party shall fail to appear accordingly in obedience to such summons, then, and in every such case, if it be proved

Or may issue warrant in the first instance.

Or if summons having been duly served be not obeyed the Justice may proceed *ex parte*.