

COMPLAINANT—Continued :

(Indictable Offences.)

May give in evidence any admission or statement of the defendant, made at any time, which by law would be admissible as evidence,—Cap. 179, Sec. 10. (p. 57.)

Shall be bound by Recognizance (Schedule O 1.) to prosecute : Nature of Recognizance,—Cap. 179, Sec. 12. (p. 57.)

COMPLAINT, OF INFORMATION :

(Summary Convictions.)

Proceedings on an Information or Complaint,—Cap. 178, Sec. 1. (p. 1.)
—On Hearing,—Sec. 13. (p. 10.)

On a Complaint against any person for an offence committed within the division, or a complaint on which any Justice may have authority to order the payment of money, a Summons (Schedule A.) may be directed to him, to be delivered personally, or at his place of abode. Justice not obliged to issue Summons in any case where the application for any Order of Justices is to be made *ex parte*. No objection to an Information or Summons for any defect therein to be allowed ; if the party be misled by any such variance, the hearing of the case may be adjourned,—Cap. 178, Sec. 1. (p. 1.)

If Summons be disobeyed, a Warrant (Schedule B.) may issue, upon oath or affirmation substantiating the matter of the information ; or (upon such oath, &c.) a Warrant (Schedule C.) may issue in the first instance ; or, upon proof of service of Summons, the Justice may proceed *ex parte* to the hearing of the Complaint, and may adjudicate thereon,—Cap. 178, Sec. 2. (p. 2.)

In Property in possession of partners, joint tenants, &c., described in Information, it shall be sufficient to name one of such parties. Buildings, &c., belonging to any territorial division, may be described as belonging to the inhabitants of such division,—Cap. 178, Sec. 4. (p. 5.)

Complaint to obtain an Order for payment of money or otherwise must be in writing and on oath, unless otherwise specially provided by any law,—Cap. 178, Sec. 7. (p. 7.)

Complaint to obtain an Order or Summons must be made upon oath (unless otherwise provided by law), and in all cases where a Warrant is to be issued in the first instance,—Cap. 178, Sec. 9. (p. 7.)

No variance between the Information and the evidence, as to time or place of alleged offence, to be deemed material, if the offence be proved to have been committed within jurisdiction of examining Justice. If accused shall have been misled thereby, the case may be adjourned, and accused committed to Gaol (Schedule D.) or admitted to bail, upon his Recognizance (Schedule E.) If he fail to appear, Recognizance to be transmitted, with a certificate (Schedule F.) thereof, to the Clerk of the Peace,—Cap. 178, Sec. 8. (p. 7.)

Complaint or Information must be for one offence, &c., only. May be made in person, or by Counsel, Attorney or Agent,—Cap. 178, Sec. 9. (p. 8.)

Must be laid within six months after commission of the offence, &c.,—Cap. 178, Sec. 10. (p. 8.)

May be tried by any one Justice for the territorial division, except in cases where the law requires two or more Justices. Place of examination (in cases to be disposed of by summary conviction,) to be an open Court,—Cap. 178, Sec. 11. (p. 8.)

Course of proceeding on the hearing of Complaints and Informations,—Cap. 178, Sec. 13. (p. 10.)

Certificate (Schedule M.) of an Order of Dismissal (Schedule L.) of a Complaint, to be a bar to any subsequent Information against defendant,—Cap. 178, Sec. 13. (p. 11.)

Information may be dismissed with costs,—Cap. 178, Sec. 17. (p. 13.) ; which may be levied by distress,—Sec. 22. (p. 15.)

One Justice may, in all cases, receive an Information or Complaint, and grant the necessary Summonses or Warrants thereon,—Cap. 178, Sec. 25. (p. 17.)