

**ACTIONS AGAINST A JUSTICE—Continued :**

Venue in the declaration, then Plaintiff shall be non-suit,—Sec. 11. (p. 89.)

When Plaintiff is entitled to recover, and shall prove payment of any penalty, or imprisonment, under any Conviction or Order, and shall seek to recover such penalty, or damages for such imprisonment, he shall not recover the same (beyond 2d. as damages for imprisonment), nor any costs, if he was guilty of the offence of which he was convicted, and had undergone no greater punishment than the law assigned,—Sec. 12. (p. 90.)

Party obtaining verdict (or judgment by default), shall be entitled to full costs, to be taxed as between attorney and client,—Sec. 13. (p. 90.)

Inconsistent enactments repealed,—Sec. 15. (p. 90.)

Act to apply for protection of all persons for any thing done in cases to which Acts repealed by this Act would have applied,—Sec. 16. (p. 91.)

**ADJOURNMENT OF EXAMINATION :**

Hearing of case may be adjourned and Defendant committed (Schedule D.) to gaol, or admitted to bail on a recognizance, (Schedule E.)—Cap. 178, Sec. 15. (p. 11.) ; also, Cap. 179, Sec. 6. (p. 53.)

On it appearing that Defendant has been misled by any defect or variance in Summons or Warrant,—Cap. 178, Sects. 1, 3, 8. (pp. 2, 4, 7.) ; also, Cap. 179, Sects. 5, 6. (pp. 52, 53.)

On account of the absence of Complainant or Defendant,—Cap. 178, Sec. 12. (p. 9.) —Of Witnesses,—Cap. 179, Sec. 13. (p. 58.)

Defendant may be remanded by Warrant (Schedule Q 1.) for not more than eight days at a time, or if for a less time than three days, by a verbal order,—Cap. 179, Sec. 13. (p. 58.)

**ADMISSIONS—(Indictable Offences) :**

Defendant to be cautioned before making any admission or confession, that it may be given against him in evidence 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.)

**APPEAL :**

On an appeal against a conviction or order, being decided in favor of Respondent, a Warrant of distress or commitment may issue ; and if on such appeal the Court shall order either party to pay costs, they shall be paid through the Clerk of the Peace of such Court, who, if they be not paid, shall grant a certificate (Schedule R.) thereof, on production of which, a Warrant of Distress (Schedule S 1.) may issue, and in default of distress the party may be committed (Schedule S 2.) for two months, unless costs and charges are sooner paid,—Cap. 178, Sec. 23. (p. 16.)

All decisions, convictions and orders, on complaints for offences against any Municipal By-law, to be subject to appeal under provisions of 13 & 14 Vic. Cap. 54,—Cap. 178, Sec. 26. (p. 17.)

After a conviction or order shall have been confirmed on appeal, no action shall lie for any thing done under any Warrant that may have been granted thereon,—Cap. 180, Sec. 5. (p. 88.)

**ATTORNEY :—***See Counsel.*

**BACKING OF WARRANTS :**

On escape of a party into another division, any Justice therein may, on proof (upon oath) of the signature of Justice signing the Warrant, make an endorsement authorizing execution thereof within his division,—Cap. 178, Sec. 3. (p. 4.) ; also, Cap. 179, Sec. 7. (p. 54.)