

Adjournment—

1. *Summary Convictions.*—A Justice of the Peace can, before or during the hearing of any information or complaint, adjourn the hearing to a time and place agreed upon in the presence and hearing of the parties or their lawyers. No adjournment must exceed eight days. If at the time and place to which the hearing is adjourned, either or both parties do not appear, personally or by a lawyer, the hearing should be further adjourned. Where the prosecutor or complainant does not appear the information may be dismissed with or without costs. Upon an adjournment, the accused may be allowed out on recognizance, with or without sureties, or he may be committed to gaol. If the accused is allowed out on recognizance upon an adjournment, and he fails to appear at the adjourned hearing, the Justice can issue a warrant for his arrest. The eight days of an adjournment should be counted from and exclusive of the day of adjournment. These matters are dealt with by section 722 of the Code.

2. *Preliminary Enquiry.*—A Justice of the Peace holding a preliminary enquiry can adjourn the hearing from time to time, and can change the place of hearing, if from the absence of a witness, the inability of a witness who is ill, to attend at the place where the Justice usually sits or from any other reasonable cause it appears desirable to do so. The accused may be remanded by warrant (Form 17), in the meantime. This remand must not exceed eight days, and it must be remembered that the day following that on which the remand is made is to be counted as the first day. If the remand is for a short period, not exceeding three clear days, no warrant of remand is necessary, and the Justice may verbally order the constable to keep the accused in custody and bring him before him at the time appointed for the hearing. If, however, the Justice wishes to proceed before the expiration of the time for which the accused is remanded, he can do so. The Justice can allow the accused out on recognizance of bail (Form 18), with or without sureties, instead of remanding him in custody, if he wishes to do so. These matters are dealt with in sections 679 (c), 680 and 681 of the Code.

3. *Sine Die.*—This is an adjournment without fixing any date for the adjourned hearing. A Justice has no authority to make such an adjournment. The date of the adjourned hearing, also the time and place, should always be settled at the time of adjournment.