

Henry Chapman

ACTS
RELATING TO THE
POWERS, DUTIES AND PROTECTION
OF
JUSTICES OF THE PEACE
IN
LOWER CANADA,
WITH A FULL SYNOPTICAL INDEX.

2 Victoriae, Cap 20,
14 & 15 Victoriae, Caps. 54, 95 & 96.



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SYNOPTICAL INDEX
TO THE
FOUR FOLLOWING ACTS,
RELATING TO THE
DUTIES, &c., OF JUSTICES OF THE PEACE.

ACCOMPLICES OR ACCESSORIES :

Persons aiding, abetting or counselling the commission of offences, may be proceeded against with the principal offender, or before or after his conviction, either in the same Division or in that in which the offence of aiding, &c., was committed,—Cap. 95, Sec. 5. (p. 10.)

ACCOUNTS of Penalties and other moneys received, — See Clerks to Justices, &c.

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ACTIONS AGAINST JUSTICES : (14 & 15 Vic. Cap. 54.)

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No Writ to be sued out against any Justice or other Officer for any official act, until one month after service of a notice thereof in writing by the Attorney of the complainant, specifying his name and address, and the cause of action. Party suing to be bound by the cause of action stated therein, and to be confined thereto,—Sec. 2, (p. 3.)

Such Justice may tender amends within one month thereafter, and may plead such tender in bar to any action. If sufficient amends have been tendered, verdict shall be for Defendant; if otherwise, and the other issues be found against Defendant, verdict shall be for Plaintiff, with damages and costs,—Sec. 3. (p. 4.)—May pay a sum into Court for such amends, or a further sum if amount tendered to the party prove insufficient, and such payment may be specially pleaded,—Sec. 6. (p. 5.)

Venue to be laid in the County (in U. Canada) or District or Circuit (in L. Canada) where the act was committed; but may be changed by Defendant, upon notice to Plaintiff; or the Court may change the venue if it appear that the action cannot be fairly tried therein,—Sec. 4. (p. 4.)

Such Justice may plead the general issue, and give all special matters of justification (or lack of notice) in evidence, as though the same were specially pleaded in the action,—Sec. 5. (p. 4.)

If verdict be given for Defendant, or the action be abandoned, he may recover all his costs from Plaintiff, but no double or treble costs,—Sec. 7. (p. 5.)

Action must be brought within 6 months after the act committed,—Sec. 8. (p. 5.)

Privileges of this Act to extend to such Justice or Officer only, and to no other person; and shall be extended to him in all cases when he shall act *bona fide* in execution of his duty, although he have exceeded his powers, and acted contrary to law,—Sec. 9. (p. 5.)

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. 95, Sec. 15. (p. 15.); also, Cap. 96, Sec. 6. (p. 52.)

On it appearing that Defendant has been misled by any defect or variance in Summons or Warrant,—Cap. 95, Sec. 1, 3, 8. (pp. 6, 9, 11.); also, Cap. 96, Sec. 5, 6. (pp. 51, 52.)

ADJOURNMENT OF EXAMINATION—Continued :

On account of the absence of Complainant or Defendant,—Cap. 95, Sec. 12. (p. 13.)—Of Witnesses,—Cap. 96, Sec. 13. (p. 56.)

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. 96, Sec. 13. (p. 56.)

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. 96, Sec. 10. (p. 54.)

Prosecutor may give in evidence any admission, confession or other statement of Defendant, made at any time, which by law would be admissible as evidence,—Cap. 96, Sec. 10. (p. 55.)

AMENDS, TENDER OF :

A Justice, on receiving notice of an action against him, may tender amends within one month thereafter, and may plead such tender in bar to the action. If sufficient amends have been tendered, verdict shall be for Defendant,—Cap. 54, Sec. 3. (p. 4.)—May pay a sum into Court, as amends; or a further sum if amount tendered to the party proved insufficient; such payment may be specially pleaded,—Sec. 6. (p. 5.)

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, or his Deputy, 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. 95, Sec. 23. (p. 19.)

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 District,—Cap. 95, Sec. 3. (p. 8.); also, Cap. 96, Sec. 7. (p. 52.)

A Warrant of Distress may be endorsed (Schedule N. 3.) and executed in the same manner,—Cap. 95, Sec. 18. (p. 17.)

For apprehension of a person in another District, refusing to appear to a Summons,—Cap. 95, Sec. 6. (p. 10.); also, Cap. 96, Sec. 8. (p. 53.)

BAIL :

Defendant, if remanded, may be admitted to bail, on entering into a recognizance (Schedule E.) to appear at the next examination. If he do not then appear, a certificate thereof (Schedule F.) to be endorsed and recognizance to be transmitted to Clerk of the Peace,—Cap. 95, Sec. 3, 8, 12, 15. (pp. 9, 11, 13, 15.); also, Cap. 96, Sec. 13. (p. 56.) (Schedules Q. 2, 3, 4.)

Recognizances of bail to be delivered to the Court in which the trial is to be had, on the first day of the sitting,—Cap. 96, Sec. 12. (p. 57.)

A person charged with *felony* may be bailed by *two* Justices, taking the recognizance (Schedule S. 1, 2.) of the accused and his sureties for his appearance at the time of the trial; or if charged with a *midemeanor*, by *one* Justice. Bail may be required to justify their

BAIL—Continued :

sufficiency upon oath. *No person accused of *treason* can be admitted to bail, except by order of a Judge of the Queen's Bench,—Cap. 96, Sec. 15. (p. 59.)

On the admission of a person to bail after commitment for the offence charged, a Warrant of Deliverance (Schedule S. 3.) shall be sent to the Gaoler for his discharge,—Cap. 96, Sec. 16. (p. 59.)

If the evidence against a person charged with felony be such as to cause strong presumption of guilt, he shall be committed without bail,—Cap. 96, Sec. 17. (p. 59.)

BENCH WARRANTS :

May issue when any competent Court shall direct,—Cap. 96, Sec. 2. (p. 49.)

BUILDINGS :

Belonging to any territorial division, may be described in Information and Proceedings as belonging to the inhabitants of such division,—Cap. 95, Sec. 4. (p. 9.)

CLERKS OF THE PEACE :—See Clerks to Justices.

CLERKS TO JUSTICES, &c. :

Fees payable to Clerks of the Peace and Clerks to Justices, to be regulated by Justices, in Sessions. Table thereof to be sent to the Provincial Secretary, who may revise the same. Secretary to send copies of such Tables to all Justices (through the Clerks of the Peace) for the use of the said Clerks. Penalty of £20 for demanding any greater fee than is authorized,—Cap. 95, Sec. 26. (p. 21.)

Moneys recovered by distress, or paid to Constable or Gaoler as penalties, or under an Order of Justices, to be paid to the Clerks of the Peace, or of the Court or Justices adjudging such penalty or payment,—who shall pay all penalties to the Treasurer of the Municipality, and other moneys to the parties entitled thereto ; and every such Clerk or Gaoler shall render quarterly accounts of the moneys so received to the Clerk of the Peace,—who shall render a similar account quarterly to the Justices in Quarter Sessions, and monthly to the Justices in Weekly Sessions,—Cap. 95, Sec. 27. (p. 22.)

In places where General or Quarter Sessions of the Peace are held, Clerks of the Peace are to act as Clerks of the Justices, and of the Inspectors or Superintendents of Police,—Cap. 95, Sec. 32. (p. 23.)

COMMITTAL :—See Gaol, Committal to.

COMPLAINANT :

(*Summary Convictions.*)

May conduct the Complaint, and have the witnesses examined by Counsel or Attorney,—Cap. 95, Sec. 11. (p. 12.)

Not appearing at the examination, the Complaint may be dismissed, or the hearing thereof adjourned,—Cap. 95, Sec. 12. (p. 13.)

May not be heard in reply to evidence produced by Defendant,—Cap. 95, Sec. 13. (p. 14.)

Every prosecutor not having a pecuniary interest in the result, and every complainant, shall be a competent witness,—Cap. 95, Sec. 14. (p. 15.)

When an Information is dismissed with costs, they may be levied by distress (Schedule Q. 1), and in default thereof complainant may be committed (Schedule Q. 2,) for not exceeding one month, unless costs and charges are sooner paid,—Cap. 95, Sec. 22. (p. 19.)

COMPLAINANT—Continued.
(Indictable Offences.)

May give in evidence an admission or statement of the defendant, made at any time, which by law would be admissible as evidence,—Cap. 96, Sec. 10. (p. 55.)

Shall be bound by Recognizance (Schedule O. 1.) to prosecute: Nature of Recognizance,—Cap. 96, Sec. 12. (p. 55.)

COMPLAINT, OF INFORMATION:
(Summary Convictions.)

Proceedings on an Information or Complaint,—Cap. 95, Sec. 1. (p. 6.)
 —On Hearing,—Sec. 13. (p. 14.)

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. 95, Sec. 1. (p. 6.)

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. 95, Sec. 2. (p. 7.)

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. 95, Sec. 4. (p. 9.)

Complaint to obtain an Order for payment of money or otherwise need not be in writing, unless specially required by any law,—Cap. 95, Sec. 7. (p. 11.)

Complaint to obtain an Order or Summons need not be made upon oath (unless specially required by any law), but must be made on oath in all cases where a Warrant is to be issued in the first instance,—Cap. 95, Sec. 9. (p. 12.)

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 defendant shall have been misled thereby, the case may be adjourned, and defendant 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. 95, Sec. 8. (p. 11.)

Complaint or Information must be for one offence, &c., only. May be made in person, or by Counsel, Attorney or Agent,—Cap. 95, Sec. 9. (p. 12.)

Must be laid within six months after commission of the offence, &c.,—Cap. 95, Sec. 10. (p. 12.)

May be tried by any one Justice for the District, 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. 95, Sec. 11. (p. 12.)

Course of proceeding on the hearing of Complaints and Informations,—Cap. 95, Sec. 13. (p. 14.)

Certificate (Schedule M.) of an Order of Dismissal (Schedule L.) of a Complaint, to be a bar to any subsequent Information against defendant,—Cap. 95, Sec. 13. (p. 15.)

COMPLAINT, OR INFORMATION—Continued :

Information may be dismissed with costs,—Cap. 95, Sec. 17. (p. 16.); which may be levied by distress,—Sec. 22. (p. 19.)

One Justice may, in all cases, receive an Information or Complaint, and grant the necessary Summonses or Warrants thereon,—Cap. 95, Sec. 25. (p. 20.)

(Indictable Offences.)

Proceedings on a Complaint for an indictable offence,—Cap. 96, Sec. 1. (p. 48.)

Must be made in writing, on oath (Schedule A.) when a Warrant is sought to be issued; but may 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. 96, Sec. 4. (p. 50.)

On receiving the same, the Justice may, issue his Summons or Warrant,—Cap. 96, Sec. 5. (p. 50.)

A party charged with an offence committed within another District may, on sufficient proof thereof appearing, be committed to the Gaol of such District for trial; or, if the evidence be not sufficient, the witnesses shall be bound over to give evidence, and a Warrant (Schedule R. 1.) shall issue for taking the defendant before some Justice within such District, 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 defendant, and of the Depositions, &c.,—on production of which to the Sheriff of his own District, (if employed by him, or otherwise to the Treasurer) his costs and expenses shall be paid,—Cap. 96, Sec. 14. (p. 57.)

CONFESSION :

Defendant to be cautioned, before making any admission or confession, that it may be given in evidence against him on his trial,—Cap. 96, Sec. 10. (p. 54.)

Prosecutor may give in evidence any admission, confession or other statement of defendant, made at any time, which by law would be admissible as evidence,—Cap. 96, Sec. 10. (p. 55.)

CONSTABLE :

Employed to deliver a Summons, shall attend and depose to the service thereof,—Cap. 95, Sec. 1. (p. 6.); also, Cap. 96, Sec. 5. (p. 50.)

Duty of Constable in executing a warrant directing accused party to be taken before a Justice in another District,—Cap. 96, Sec. 14. (p. 57.)

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. When Constable is entitled to expenses for so doing, Justice shall make an Order (Schedule T. 2.) on the Sheriff of the District for payment thereof,—Cap. 96, Sec. 18. (p. 60.)

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. 95, Sec. 13, 16. (pp. 14, 16.)

Costs may be allowed the complainant,—to be specified in the Conviction, and recoverable by distress or imprisonment,—Cap. 95, Sec. 17. (p. 16.)

CONVICTION—Continued:

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. 95, Sec. 21. (p. 19.)

On an Appeal against any Conviction, being decided in favor of Respondent, any Justice for the District may issue a warrant of distress or commitment, as though such Appeal had not been made,—Cap. 95, Sec. 23. (p. 19.)

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. 95, Sec. 25. (p. 21.)

Costs:

In actions against a Justice, if verdict be given for defendant, or action be abandoned, he may recover all his costs, but not double or treble costs,—Cap. 54, Sec. 7. (p. 5.)

(Summary Convictions.)

May be allowed to either party, to be specified in the Conviction, Order, or Order of Dismissal, and recoverable by distress or imprisonment,—Cap. 95, Sec. 17. (p. 16.)

When sufficient distress cannot be found in the District, and warrant is executed in another District, the amount of penalty or award may be recovered with costs,—Cap. 95, Sec. 18. (p. 17.)

If Information be dismissed with costs, they may be levied by distress (Schedule Q. 1.) in default of which complainant may be committed (Schedule Q. 2.) for not exceeding one month, unless costs and charges be sooner paid,—Cap. 95, Sec. 22. (p. 19.)

When ordered by any Court, upon an Appeal, 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 the party may be committed (Schedule S. 2.) for two months, unless costs and charges are sooner paid,—Cap. 95, Sec. 23. (p. 19.)

(Indictable Offences.)

On delivering over to a Justice for another District a prisoner charged with an offence committed therein, the constable shall be paid the amount of his expenses and costs, on producing to the Sheriff of the District in which he was apprehended, the certificate (Schedule R. 2.) of the Justice of such other District to whom the prisoner has been so delivered over,—Cap. 96, Sec. 14. (p. 58.)

When Constable is entitled to his expenses for conveying a prisoner to Gaol, Justice shall make an Order (Schedule T. 2.) on the Sheriff of the District for the payment thereof,—Cap. 96, Sec. 18. (p. 60.)

COUNSEL:*(Summary Convictions.)*

Complaint or Information may be made in person or by Counsel, Attorney or Agent,—Cap. 95, Sec. 9. (p. 12.)

Complainant and defendant may respectively conduct the complaint and defence, and examine witnesses, by Counsel or Attorney,—Cap. 95, Sec. 11. (p. 13.)

If complainant and defendant appear at the examination, personally or by Counsel or Attorney, the hearing of the case shall proceed,—Cap. 95, Sec. 12. (p. 13.)

CROSS-EXAMINATION :

Defendant may cross-examine witnesses, by his Counsel or Attorney, in cases to be disposed of by summary conviction,—Cap. 95, Sec. 11. (p. 8.)

See Death of a witness.

DEATH OF A WITNESS (*Indictable Offences*):

The deposition (taken at the examination) of any witness who may die, may, if signed by the examining Justice, be produced as evidence on the trial, on proof that the defendant had a full opportunity of cross-examining the witness,—Cap. 96, Sec. 9. (p. 54.)

DEFECTS OF FORM :

No objection to any information for any defect in form or substance to be allowed,—Cap. 95, Sec. 1. (p. 6.) ; also, Cap. 96, Sec. 4. (p. 50.)
 ————To a Warrant, or Summons,—Cap. 95, Sec. 1, 3. (pp. 6, 8.) ; also, Cap. 96, Sec. 5, 6. (pp. 50, 52.) ————But if any such defect shall have misled the party summoned or accused, the case may be adjourned,—Cap. 95, Sec. 1, 3. (pp. 6, 9.) ; also, Cap. 96, Sec. 5, 6. (pp. 50, 52.)

No variance between the information and the evidence adduced in support thereof to be deemed material, if the offence be proved to have been committed within the jurisdiction of the examining Justice. If defendant has been misled thereby, the case may be adjourned,—Cap. 95, Sec. 8. (p. 11.)

DEFENDANT :

(Summary Convictions.)

If misled by any defect or error in the warrant for his apprehension, may request an adjournment of the case,—Cap. 95, Sec. 8. (p. 11.)

Shall (in cases for Summary Conviction) be admitted to make his full answer to the Complaint, and to have witnesses examined by Counsel or Attorney,—Cap. 95, Sec. 11. (p. 13.)

Not appearing at the examination, upon a Summons, Justice may hear and determine the case, or may issue a warrant (Schedule B.) and adjourn hearing of the case: On his being apprehended on such warrant, he shall be brought before the Justice and committed (Schedule H.) for safe keeping, and admitted to Bail (Schedule E.),—Cap. 95, Sec. 12. (p. 13.)

If Complainant and Defendant appear personally or by Counsel or Attorney, the hearing of the case shall proceed,—Cap. 95, Sec. 12. (p. 13.)

May not be heard in reply to evidence given by Complainant in reply to Defendant's evidence,—Cap. 95, Sec. 13. (p. 14.)

Conviction (Schedule L. 1, 3,) or Order (Schedule K. 1, 3) to be made upon defendant, after hearing the evidence, or Complaint to be dismissed, and an Order of Dismissal (Schedule L.) made, a Certificate whereof (Schedule M.) shall be given to defendant, which shall be a bar to any subsequent Information against him for the same matter,—Cap. 95, Sec. 13. (p. 14.)

No Warrant of Distress for disobeying an Order of a Justice for the payment of money, shall issue, until Defendant has been served with a copy of the minute of such Order,—Cap. 95, Sec. 16. (p. 16.)

On the issuing of a warrant of Distress, defendant may be suffered to go at large, or be kept in safe custody, or admitted to bail, until Return of the Warrant,—Cap. 95, Sec. 19. (p. 18.)

In default of sufficient distress, may be committed (Schedule N. 5) for such time as the Statute under which he was convicted may direct, unless the sum adjudged, with costs and charges, be sooner paid,—Cap. 95, Sec. 20. (p. 18.)

DEFENDANT—Continued:

May pay to the Gaoler (with costs) any sum for non-payment of which he is in confinement; money so received to be paid to the Clerk of the Court or Justices convicting, &c.,—Cap. 95, Sec. 27. (p. 22.)

To be discharged from custody on payment of any penalty, &c., for which he is in confinement, with costs,—Cap. 95, Sec. 24. (p. 20.)

(Indictable Offences.)

If misled by any error or defect in the Warrant, may request an adjournment of the case,—Cap. 96, Sec. 6. (p. 52.)

Concerning the cross-examination of witnesses at the examination, by defendant,—Cap. 96, Sec. 9. (p. 54.)

Depositions (on examination) to be read to him. His statement in answer to the charge to be taken down (Schedule N.) and signed by the Justice. May be used against him on the trial, if duly signed. To be cautioned before making any admission or confession. Prosecutor may produce in evidence any statement or admission of defendant admissible as evidence,—Cap. 96, Sec. 10. (p. 54.)

Examination of:—See Examination.

If remanded, may be admitted to Bail, on entering into a Recognizance (Schedule Q. 2, 3,) to appear at the next examination; if he do not then appear, a certificate thereof (Q. 4,) to be endorsed, and Recognizance to be transmitted to the Clerk of the Peace,—Cap. 96, Sec. 13. (p. 56.)

Must be discharged if the evidence is not sufficient to put him on his trial, or to cause a strong presumption of guilt,—Cap. 96, Sec. 17. (p. 59.)

Unless the alleged offence has been committed in another District in which case he shall be taken, by Warrant, (Schedule R. 1,) before a Justice thereof, with all the depositions and recognizances received, Sec. 14. (p. 57.)

May demand a copy of the depositions, between the close of the examination and the trial, on paying therefor not exceeding 3d. per 100 words,—Cap. 96, Sec. 19. (p. 60.)

DEPOSITIONS:—See Evidence.**DISCHARGE:**

On payment of any penalty for which defendant may be in confinement, with costs, the Gaoler shall discharge him from custody,—Cap. 95, Sec. 24. (p. 20.)

Of a witness (Schedule P. 2,) who may have been committed for refusing to enter into a recognizance to appear at the trial, upon discharge of the defendant,—Cap. 96, Sec. 12. (p. 55.)

DISMISSAL OF COMPLAINT:**(Summary Convictions.)**

Complainant not appearing, complaint may be dismissed, or the hearing of the case adjourned to a future day,—Cap. 95, Sec. 12. (p. 13.)

After hearing the evidence, Justice shall either convict or make an Order on the defendant, or shall dismiss the complaint and make an Order of Dismissal, (Schedule L.) and give defendant a Certificate thereof, (Schedule M.) which shall be a bar to any subsequent information against him for the same matter,—Cap. 95, Sec. 13. (p. 14.)

Costs may be awarded to defendant, on dismissal of the complaint, to be specified in the Order of Dismissal, and recoverable from complainant by distress or imprisonment,—Cap. 95, Sec. 17, 22. (pp. 16, 19.)

(Indictable Offences.)

If evidence against the defendant be not sufficient to put him on his trial, he shall be discharged,—Cap. 96, Sec. 17. (p. 59.)—Unless the

DISMISSAL OF COMPLAINT—Continued.

offence complained of shall have been committed in another District, in which case a Warrant (Schedule R. 1.) shall issue, directing him to be taken, with all the depositions and recognizances received, before a Justice in such District,—Sec. 14. (p. 57.)

DISTRESS :

Before any Warrant of Distress shall be issued for not obeying any Order of a Justice, defendant shall be served with a copy of the minute of such Order,—Cap. 95, Sec. 16. (p. 16.)

Costs (when awarded) to be recoverable by distress (Schedule Q. 1.) with imprisonment, not exceeding one month, in default thereof (Schedule Q. 2.)—Cap. 95, Sec. 17, 22. (pp. 16, 19.)

When a Conviction or Order adjudges a penalty or payment, a Warrant of Distress (Schedule N. 1, 2.) for levying the same, may be issued. If sufficient distress be not found within the District, the Warrant (on proof of signature,) may be endorsed (Schedule N. 3.) by a Justice of another District, and the penalty may be levied therein with costs. If there are no goods, or if the issuing of the Warrant would be ruinous, defendant may be committed to prison,—Cap. 95, Sec. 18. (p. 17.)

Upon the issuing of a Warrant of Distress, defendant may be suffered to go at large, or kept in safe custody, or admitted to bail, until return of Warrant,—Cap. 95, Sec. 19. (p. 18.)

In default of sufficient distress, upon a return thereof (Schedule N. 4.) by the Constable, a Warrant (Schedule N. 5.) may issue, committing defendant to prison for such time as may be directed by the Statute on which the conviction was founded, unless the sum adjudged, with costs and charges, be sooner paid,—Cap. 95, Sec. 20. (p. 18.)

On payment of any penalty or costs awarded, distress shall not be levied,—Cap. 95, Sec. 24. (p. 20.)

Warrant of Distress, when ordered, may be issued by any one Justice, who need not have been concerned in hearing and determining the case,—Cap. 95, Sec. 25. (p. 21.)

Moneys recovered under a Warrant of Distress to be paid to the Clerk of the Court or of the Justices, by whom the Warrant was issued,—who shall pay the same to the parties entitled to receive the same according to the Statute, or if there be no direction in the Statute, then to the Treasurer of the Municipality; and shall, every three months, render an account of the same,—Cap. 95, Sec. 27. (p. 22.)

ESCAPE :

Proceedings when a person against whom a Warrant may have been issued has escaped, or gone into another Territorial Division,—Cap. 95, Sec. 3. (p. 8.); also, Cap. 96, Sec. 7. (p. 52.)—A Witness,—Cap. 95, Sec. 6. (p. 10.); also, Cap. 96, Sec. 8. (p. 53.)

EVIDENCE :

(*Summary Convictions.*)

Proceedings relative to the summoning of witnesses,—Cap. 95, Sec. 6. (p. 10.)

Complainant and his witnesses to be first heard, to be followed by defendant and his witnesses: Complainant may in certain cases produce further evidence,—Cap. 95, Sec. 13. (p. 14.)

Every prosecutor not pecuniarily interested in the result, and every complainant, shall be a competent witness,—Cap. 95, Sec. 14. (p. 15.)

Witnesses to be examined on oath, administered by the Justice,—Cap. 95, Sec. 9, 14. (pp. 12, 15.)

A witness refusing to be examined may be committed (Schedule G. 4.) for any time not exceeding ten days,—Cap. 95, Sec. 6. (p. 10.)

EVIDENCE—Continued :

(Indictable Offences.)

Mode of summoning witnesses ; nature and form of depositions :—See Examination.

Deposition of a witness, who since the examination may have died, may, if signed by the Justice, be read as evidence on the trial, upon proof that defendant had a full opportunity of cross-examining the witness,—Cap. 96, Sec. 9. (p. 54.)

Depositions to be delivered to the Court in which defendant is to be tried, on the first day of sitting,—Cap. 96, Sec. 12. (p. 56.)

In absence of sufficient evidence, the examination may be adjourned, and prisoner remanded,—Cap. 96, Sec. 13. (p. 56.)

On a party being accused of an offence committed within another District, and the evidence not being sufficient to put him on his trial, he shall be taken before a Justice in such District, and all the depositions, recognizances, &c., taken in the first instance, shall be delivered to such Justice,—Cap. 96, Sec. 14. (p. 57.)

If evidence against defendant be not sufficient to put him on his trial, he shall be discharged ; but if it be sufficient, or cause a strong presumption of guilt, he shall be committed to gaol by Warrant, (Schedule T. 1.) until delivered by due course of law, or admitted to bail,—Cap. 96, Sec. 17. (p. 59.)

Prisoner may demand a copy of the depositions between the close of the examination and the trial, on paying therefor not exceeding three pence per folio,—Cap. 96, Sec. 19. (p. 60.)

EXAMINATION :

(Summary Convictions.)

Hearing of the case may be adjourned, and defendant committed (Schedule D.) to gaol, or admitted to bail, on a Recognizance, (Schedule E.) If he fail to appear at time appointed therein, Recognizance to be transmitted to Clerk of the Peace, with a certificate (Schedule F.) endorsed thereon,—Cap. 95, Sec. 15. (p. 15.)

If defendant be misled by any variance between the Information and the evidence, the case may be adjourned as above,—Cap. 95, Sec. 8. (p. 11.)

Every complaint may be heard and tried by one Justice for the District, unless two or more are specially required by law. Place of Examination (in relation to summary convictions) to be deemed an open Court. Prisoner may make his full answer and defence, and may cross-examine witnesses by his Counsel or Attorney. Complainant may conduct the complaint, and may examine witnesses by his Counsel or Attorney,—Cap. 95, Sec. 11. (p. 12.)

If defendant do not appear at the Examination, when summoned, the case may be heard and determined, or it may be adjourned, and a Warrant (Schedule B.) issued ; on his apprehension under such Warrant, he shall be committed (Schedule H.) into safe custody for future examination. If complainant do not appear, the complaint may be dismissed, or the hearing adjourned, and the defendant committed (Schedule D.) into safe custody, or admitted to bail (Schedule E.), and if he fail afterwards to appear, the Recognizance, with a certificate thereof (Schedule F.) endorsed, shall be transmitted to the Clerk of the Peace. If both parties appear, the case shall proceed,—Cap. 95, Sec. 12. (p. 13.)

Course of proceeding on the hearing of Complaints and Informations. Justice, after hearing the parties, and the evidence, to determine the matter, either by Conviction (Schedule I. 1, 3.) or Order (Schedule K. 1, 3), against defendant, to be lodged with Clerk of the Peace, and filed with the Records of the Sessions ; or by an Order (Schedule L.) dis-

EXAMINATION—Continued:

missing the complaint, a certificate of which (Schedule M.) shall be given to defendant, and shall be a bar to any subsequent complaint,—Cap. 95, Sec. 13. (p. 14.)

Every prosecutor not having a pecuniary interest in the result, and every complainant, shall be a competent witness. Witnesses to be examined on oath,—Cap. 95, Sec. 14. (p. 15.)

The issuing of a Summons or Warrant, and all other matters, preliminary to the hearing, may in all cases be done by one Justice, and also all Warrants of Distress or Commitment thereon; but in cases where the law requires that an Information, &c., shall be heard, or a Conviction or Order be made thereon, by two or more Justices, such Justices must act together during the whole of the hearing and determination of the case,—Cap. 95, Sec. 25. (p. 20.)

(Indictable Offences.)

Before any accused person shall be committed, or admitted to bail, the Justice shall take the statement (Schedule M.) of such persons as know the facts of the case, after administering the usual oath or affirmation; statement to be signed by Justice and Witness. Defendant may question witnesses. Deposition (taken as above, in presence of the accused) of any person who may be prevented by illness or death from appearing upon the trial, may be read as evidence (if duly signed, and if prisoner had an opportunity of cross-examining witness), without further proof,—Cap. 96, Sec. 9. (p. 54.)

Depositions of Witnesses, when completed, to be read to the defendant, and his answer to the charge, to be taken down (Schedule N.) and signed by the Justice:—may upon the trial, be used against prisoner, if duly signed, without further proof. Prisoner to be duly cautioned, before making any admission or confession. Prosecutor may give in evidence any statement or admission of the defendant admissible by law as evidence,—Cap. 96, Sec. 10. (p. 54.)

Place of examination (on indictable offences) not to be deemed an open Court,—Cap. 96, Sec. 11. (p. 55.)

Prosecutor and Witnesses to be bound by recognizance (Schedule O. 1.) to appear at the trial, to prosecute and give evidence; notice thereof (Schedule O. 2.) to be given to the person bound thereby. Recognizances, depositions, and recognizances of Bail (if any) to be delivered to the Court in which the trial is to be had, on 1st day of sitting. Witness refusing to enter into recognizance may be committed to Gaol or House of Correction by warrant (Schedule P. 1.) until after the trial. If defendant be not committed for trial, an Order (Schedule P. 2.) may be issued by any Justice of the District, for the discharge of such witness,—Cap. 96, Sec. 12. (p. 55.)

Prisoner may be remanded to Gaol, for not more than 8 days each time, by warrant (Schedule Q. 1.), or if for not more than 3 days, by verbal Order; but may be brought up for examination before the expiration of such time. Prisoner, on being remanded, may be admitted to bail, (Schedule Q. 2, 3.) to appear at the next examination; if he fail to appear, the same shall be certified on the back (Schedule Q. 4.), and the recognizance shall be transmitted to the Clerk of the Peace,—Cap. 96, Sec. 13. (p. 56.)

When the evidence for the prosecution is not sufficient to put the defendant on his trial, he shall be discharged, but if sufficient therefor, or to raise a strong presumption of guilt, he shall be committed to Gaol by warrant (Schedule T. 1.) until delivered by due course of law,—Cap. 96, Sec. 17. (p. 59.)—How conveyed to Gaol. Gaoler to give a receipt (Schedule T. 2.) for the prisoner,—Sec. 18. (p. 60.)

EXPENSES:—See Costs.

FEES :

Fees payable to Clerks of the Peace and Clerks to Justices, to be regulated by Justices in General or Quarter Sessions. Table thereof to be sent to the Provincial Secretary, who may revise the same. Secretary to send copies of such Tables to all Justices (through the Clerks of the Peace) for the use of the said Clerks. Penalty of £20 for demanding any greater fee than is authorized,—Cap. 95, Sec. 26. (p. 21.)

FELONY :

A complaint (Schedule A.) being made before a Justice, charging any person within his jurisdiction with felony committed therein or elsewhere; a warrant (Schedule B.) may be issued for his apprehension, or a summons (Schedule C.) may first be issued, in the discretion of the Justice. If he fail to appear, a warrant (Schedule D.) for his apprehension may issue. The warrant first mentioned may be issued at any time after the summons,—Cap. 96, Sec. 1. (p. 48.)

A person charged with felony may be admitted to bail by two Justices, taking a recognizance (Schedule S. 1, 2.) of the defendant and his sureties for his appearance at the trial. Bail may be required to justify their sufficiency on oath. None charged with Treason to be bailed, except by Judges of Queen's Bench,—Cap. 96, Sec. 15. (p. 59.)

If the evidence against a person charged with felony be such as to raise a strong or probable presumption of guilt, he shall be committed, or admitted to bail,—Cap. 96, Sec. 17. (p. 59.)

FORMS :

Various Forms for Information, Summons, Warrant, Indictment, Conviction, Order, &c.—Schedules to Caps. 95 and 96. These Forms to be valid in law,—Cap. 95, Sec. 28. (p. 23.); also, Cap. 96, Sec. 20. (p. 61.)

No objection to an Information for any defect in form or substance to be allowed,—Cap. 95, Sec. 1. (p. 6.); also, Cap. 96, Sec. 4. (p. 50.)

—To a Warrant or Summons,—Cap. 95, Sec. 1, 3. (pp. 6, 8.); also, Cap. 96, Sec. 5, 6. (pp. 51, 52.)—But if any such defect shall have misled the party summoned or accused, the case may be adjourned,—Cap. 95, Sec. 1, 3. (pp. 6, 9.); also, Cap. 96, Sec. 5, 6. (pp. 51, 52.)

No variance between the Information and the evidence adduced in support thereof to be deemed material, if the offence be proved to have been committed within jurisdiction of examining Justice. If the party accused has been misled thereby, the case may be adjourned,—Cap. 95, Sec. 8. (p. 11.)

GAOL (OR HOUSE OF CORRECTION), COMMITTAL TO*(Summary Convictions.)*

Of defendant (Schedule D.), on the hearing of the case being adjourned to a future day,—Cap. 95, Sec. 3, 8, 12, 15. (pp. 9, 11, 13, 15.)

Defendant, when apprehended under a warrant issued on his non-appearance at the Examination, may be committed (Schedule H.) to the House of Correction, or other place of security, until further examination,—Cap. 95, Sec. 12. (p. 13.)

No person shall be committed for disobeying a Justice's Order until he shall have been served with a copy of the minute of such Order,—Cap. 95, Sec. 16. (p. 16.)

Costs (when allowed) to be recoverable by distress, or by imprisonment, not exceeding one month,—Cap. 95, Sec. 17. (p. 16.)

Whenever it shall appear (on application for a Warrant of Distress) that there are no goods and chattels, or that the issuing thereof would be ruinous to defendant, he may be committed to the House of Correction, or to Gaol, with or without hard labor,—Cap. 95, Sec. 18. (p. 18.)

Gaol, &c.—Continued :

Upon the issuing of a Warrant of Distress, defendant may be suffered to go at large, or be kept in safe custody, or admitted to bail, until Return is made to the Warrant,—Cap. 95, Sec. 19. (p. 18.)

In default of sufficient distress, defendant may be committed (Schedule N. 5,) for such time as the Statute under which he was convicted allows, unless the sum awarded, with costs and charges, be sooner paid,—Cap. 95, Sec. 20. (p. 18.)—On a distress for costs, complainant may be committed (Schedule Q. 2,) for one month,—Sec. 22. (p. 19.)

Where defendant shall be adjudged to be imprisoned, and shall then be in confinement for another offence, the Warrant shall be delivered to the Gaoler, and the term of imprisonment last adjudged may commence at the expiration of the first imprisonment,—Cap. 95, Sec. 21. (p. 19.)

On payment of any penalty, &c., (with costs) for which defendant is in confinement, the Gaoler shall discharge him from custody,—Cap. 95, Sec. 24. (p. 20.)

Warrant of Commitment may be issued by any one Justice, who need not have been concerned in hearing and determining the case,—Cap. 95, Sec. 25. (p. 20.)

(Indictable Offences.)

Persons refusing to be examined as witnesses, may be committed (Schedule L. 4,) for not more than ten days,—Cap. 96, Sec. 8. (p. 53.)

Witnesses refusing to enter into Recognizances to appear and give evidence at the trial, may be committed (Schedule P. 1,) until after the trial; to be discharged (Schedule P. 2,) if defendant be not committed,—Cap. 96, Sec. 12. (p. 56.)

Defendant, on being remanded for further examination for not more than eight days at a time (or on a verbal order if for not more than three days),—Cap. 96, Sec. 13. (p. 56.) (Schedule Q. 1.)

A person accused of an offence committed within another District, may, on sufficient proof appearing, be committed to the Gaol or House of Correction of such other District for trial,—Cap. 96, Sec. 14. (p. 57.)

On the evidence appearing sufficient to put the defendant on his trial, he shall be committed to Gaol, by Warrant (Schedule T. 1,) until delivered by due course of law, or admitted to bail,—Cap. 96, Sec. 17. (p. 59.)—But may, except when charged with Treason, be admitted to bail, (in cases of misdemeanor, by one Justice, or in cases of felony, by two Justices,) in default of which, he may be committed,—Sec. 15. (p. 59.)

Persons committed by any Warrant under this Act, to be conveyed by the Constable receiving such Warrant, and delivered to the Gaoler, who shall give a Receipt (Schedule T. 2,) setting forth the condition of the prisoner. Constable, when entitled to his expenses therefor, to receive an Order (Schedule T. 2,) on the Sheriff of the District for the payment thereof,—Cap. 96, Sec. 18. (p. 60.)

GAOLER:

To discharge any person committed to his custody, upon payment of the penalty, &c., directed, with costs,—Cap. 95, Sec. 24. (p. 20.)

To pay over to the Clerk of the Court or Justices convicting, &c., any sums so received, and to render quarterly accounts of such moneys to the Clerk of the Peace, to be laid before the Justices,—Cap. 95, Sec. 27. (p. 22.)

To give a Receipt (Schedule T. 2,) for a prisoner delivered into his custody,—Cap. 96, Sec. 18. (p. 60.)

HEARING OF THE CASE:—See Examination.

HOUSE OF CORRECTION:—See Gaol, Committal to.

IMPRISONMENT:—See Gaol, Committal to.

INCONSISTENT PROVISIONS :

All Acts or provisions inconsistent with the present Acts to be thereby repealed,—Cap. 95, Sec. 33. (p. 23.); also, Cap. 96, Sec. 22. (p. 61.)

INDICTMENT :

When found by the Grand Jury in any Court, against any person then at large, the Clerk of the Crown or Clerk of the Peace, shall, after the Sessions, grant to the Prosecutor (on payment of 1s.) a Certificate thereof (Schedule F.) on production of which, a Justice of the District shall issue a warrant (Schedule G.) for his apprehension, and shall commit him for trial (Schedule H.) or admit him to bail; and if such person shall be already in confinement for any other offence, the Justice shall issue a Warrant (Schedule I.) for his detention,—Cap. 96, Sec. 2. (p. 48.)

INFORMATION:—See Complaint.

INSPECTORS OF POLICE :

May do, alone, whatever is authorized to be done by two Justices,—Cap. 95, Sec. 29. (p. 23.); also, Cap. 96, Sec. 21. (p. 61.)

To have like powers for preserving order in Police Courts, as are exercised by any Courts of Law,—Cap. 95, Sec. 30. (p. 23.)

Shall have power to enforce the execution of all Summonses, Warrants, &c., by the same means as are provided for other Courts,—Cap. 95, Sec. 31. (p. 23.)

JOINT TENANTS:

Property belonging to, may be described in information and proceedings as belonging to one or more of such parties,—Cap. 95, Sec. 4. (p. 9.)

JUDGES :

A person charged with treason, can only be admitted to bail by a Judge of the Court of Queen's Bench,—Cap. 96, Sec. 15. (p. 59.)

JURISDICTION :

Justices to be entitled to the privileges of the Act for protection of Justices, in all cases when they shall have acted *bonâ fide* in execution of their duty, although they may have exceeded their powers or jurisdiction,—Cap. 54, Sec. 9. (p. 5.)

Proceedings on a complaint before a Justice, for acts done in another District, beyond his jurisdiction,—Cap. 96, Sec. 14. (p. 57.)

JUSTICES, PROTECTION OF:—See Actions against Justices.

LIMITATION OF ACTIONS :

Actions against a Justice or Officer for any official act, must be brought within 6 months after the commission of such act,—Cap. 54, Sec. 8. (p. 5.)—And one month's notice must be given,—Sec. 2. (p. 3.)

MISDEMEANOR :

A Complaint (Schedule A.) being made before a Justice, charging any person within his jurisdiction with a misdemeanor committed therein or elsewhere, a Warrant (Schedule B.) may issue for his apprehension; or a Summons (Schedule C.) may first issue, at the discretion of the Justice, to be followed at any time by the Warrant: if he fail to appear to the Summons, a Warrant (Schedule D.) may issue for his apprehension,—Cap. 96, Sec. 1. (p. 48.)

MISDEMEANOR—Continued.

A person charged with a misdemeanor may be bailed by a Justice, upon recognizance (Schedule S. 1, 2,) of the party and his sureties, for his appearance at the trial. Bail may be sworn as to their sufficiency,—Cap. 96, Sec. 15, (p. 59.)

MONEY, ORDER FOR PAYMENT OF :

Summons (Schedule A.) may issue upon a Complaint upon which a Justice has authority to make any Order for the payment of money or otherwise. How served, &c.,—Cap. 95, Sec. 1. (p. 6.)

Complaint need not be in writing, except in cases where it is specially required by law,—Cap. 95, Sec. 7. (p. 11.)

Money recovered by distress, or paid to Constable or Gaoler (under an Order for payment thereof), to be paid to the Clerk of the Court, or of the Justices issuing the Order,—who shall pay the same to the party entitled thereto, and render to the Clerk of the Peace a Quarterly Account of all moneys so received, to be laid before the Justices,—Cap. 95, Sec. 27. (p. 22.)

See also Penalties.

NOTICE OF ACTIONS :

One month's notice (in writing) must be given to a Justice of any action intended to be commenced against him. Nature of notice,—Cap. 54, Sec. 2. (p. 3.)

OATH OR AFFIRMATION :

Information or Complaint must be made in writing, upon oath, before a Warrant can issue in the first instance, but need not be so in cases where a Summons only is to be issued, unless specially provided by law,—Cap. 95, Sec. 9. (p. 12.); also, Cap. 96, Sec. 4. (p. 50.)

Witnesses to be examined on oath or affirmation administered by the Justice,—Cap. 95, Sec. 14. (p. 15.); also, Cap. 96, Sec. 9. (p. 54.)

Oath to be administered to persons applying for a Search Warrant (Schedule E. 2),—Cap. 96, Sec. 4. (p. 50.)—May be administered to Bail as to their sufficiency,—Cap. 96, Sec. 15. (p. 59.)

OFFENCES IN ANOTHER DISTRICT :

Proceedings on the accusation of a party charged with an offence committed within another District,—Cap. 96, Sec. 14. (p. 57.)

OFFICERS OF JUSTICE, PROTECTION OF :—See Actions against Justices.**OPEN COURT :**

Place of examination to be deemed an open Court, in matters to be disposed of by Summary Conviction,—Cap. 95, Sec. 11. (p. 12.)—
Not an open Court in indictable offences,—Cap. 96, Sec. 11. (p. 55.)

ORDER, PRESERVATION OF :

Police Magistrates, Superintendents and Inspectors, and Stipendiary Magistrates, to have like powers for preserving order in Police Courts as are exercised by any Courts of Law,—Cap. 95, Sec. 30. (p. 23.)

ORDERS :

Summons (Schedule A.) may issue upon a complaint on which a Justice has authority to make any Order for the payment of money or otherwise. How served, &c.,—Cap. 95, Sec. 1. (p. 6.)

Complaint on which such an Order may issue need not be in writing, unless specially required by any law,—Cap. 95, Sec. 7, 9. (pp. 11, 12.)

ORDERS—Continued:

Form of Order (when not specially prescribed by law),—Cap. 95, Sec. 16. (p. 16.)

In all cases where authority exists for committing or for levying by distress, for not obeying a Justice's Order, Defendant shall be served with a copy of the Minute of such Order before a Warrant shall issue,—Cap. 95, Sec. 16. (p. 16.)

On an appeal against any Order being decided in favor of Respondent, any Justice may issue a Warrant for the execution thereof,—Cap. 95, Sec. 23. (p. 19.)

In all cases where the law requires that a Conviction or Order shall be made by two or more Justices, such Justices must have acted together during the whole of the hearing and determination of the case,—Cap. 95, Sec. 25. (p. 20.)

PARTNERS:

Property belonging to, may be described, in information and proceedings, as belonging to one or more of such partners,—Cap. 95, Sec. 4. (p. 9.)

PENALTIES:

Forms of conviction imposing penalties,—Cap. 95, Sec. 16. (p. 16.) (Schedules I. 1, 3.)

When a penalty is adjudged, and no mode of recovering the same is specially provided by Statute, a Warrant of Distress (Schedule N. 1, 2,) may issue, and if sufficient distress be not found, upon an endorsement (Schedule N. 3,) thereof on the Warrant, it may be executed in another District,—Cap. 95, Sec. 18. (p. 17.)

On payment of penalty and costs, distress shall not be levied,—Cap. 95, Sec. 24. (p. 20.)

Clerks of the Peace and Clerks to Justices liable to a penalty of £20 for demanding any greater fee than is authorized,—Cap. 95, Sec. 26. (p. 21.)

To be paid to the Clerk of the Court, or of the Justices adjudge the same, who shall pay the amount to the Treasurer of the Municipality, and render quarterly accounts of moneys so received to the Clerk of the Peace,—who shall render accounts thereof quarterly to the Justices in Quarter Sessions, and monthly to the Justices in Weekly Sessions,—Cap. 95, Sec. 27. (p. 22.)

POLICE MAGISTRATES, &c.:

A Police Magistrate, Superintendent or Inspector, or Stipendiary Magistrate, may do, *alone*, whatever is authorized to be done by two Justices,—Cap. 95, Sec. 29. (p. 23.); also, Cap. 96, Sec. 21. (p. 61.)

A Police Magistrate &c., to have like powers for preserving order in Police Courts, as are exercised by any Courts of Law,—Cap. 95, Sec. 30. (p. 23.)

Shall have power to enforce the execution of all Summonses, Warrants, &c., by the same means as are provided for other Courts,—Cap. 95, Sec. 31. (p. 23.)

PRISONER:

On payment of any penalty for which defendant may be in confinement, with costs, the Gaoler shall discharge him from custody,—Cap. 95, Sec. 24. (p. 20.)

On an Indictment being found by a Grand Jury against a person already in confinement for another offence, a Warrant (Schedule I.) shall issue for his further detention,—Cap. 96, Sec. 2. (p. 43.)

On delivery of a prisoner to the Gaoler, he shall give to the constable a receipt (Schedule T. 2,) stating the condition of the prisoner,—Cap. 96, Sec. 18. (p. 60.)

PRISONER—Continued :

Proceedings on delivering over to a Justice for another District, a prisoner charged with an offence committed within his jurisdiction,—Cap. 96, Sec. 14. (p. 57.)

PROPERTY :

In possession of partners, joint tenants, or tenants in common, may be described as belonging to one or more of such parties. Buildings and works belonging to any District or other territorial division may be described as belonging to the inhabitants of such division,—Cap. 95, Sec. 4. (p. 9.)

PROSECUTOR :—See Complainant.

PROTECTION OF JUSTICES :—See Actions against Justices.

RECOGNIZANCE :

To be entered into by defendant (Schedule E.) when admitted to bail, for his appearance at the next examination. If he fail to appear, a certificate thereof (Schedule F.) to be endorsed, and recognizance to be transmitted to the Clerk of the Peace,—Cap. 95, Sec. 3, 8, 12, 15. (pp. 9, 11, 13, 15.); also, Cap. 96, Sec. 13. (p. 57.) (Schedule Q. 2, 3, 4.)

To be entered into by Prosecutor and Witnesses, to appear at the trial (Schedule O. 1.) Nature of Recognizance. To be delivered to the Court in which the trial is to be had, on the first day of sitting. Witness refusing to enter into Recognizance, may be committed to Gaol or House of Correction by Warrant (Schedule P. 1.) until after the trial. If prisoner be not committed for trial, such witness may be discharged on the Order (Schedule P. 2.) of any Justice of the District,—Cap. 96, Sec. 12. (p. 55.)

Recognizance (Schedule S. 1, 2.) of defendant and sureties on admission to bail, when committed for trial,—Cap. 96, Sec. 15. (p. 59.)

REMANDING OF PRISONER :—See Adjournment of Examination.

RETURNS OF PROSECUTIONS, &c. :

Every Justice to transmit to the Clerk of the Peace for the District, between 5 and 10 days before the opening of the Quarter Sessions, quarterly returns of the prosecutions brought before him, which shall be laid before the Court and filed. Nature of return,—2 Vic. Cap. 20, Sec. 1. (p. 1.)

Justices failing to make such returns to be reported to the Governor, within 10 days after each term,—2 Vic., Cap. 20, Sec. 2. (p. 2.)

SEARCH WARRANT :

May be issued on Sunday,—Cap. 96, Sec. 3. (p. 49.)

May be granted (Schedule E. 2.) on the oath of any credible witness, (Schedule E. 1.) that there is reason to suspect that stolen property is in the house or place in question,—Cap. 96, Sec. 4. (p. 50.)

SERVICE OF SUMMONS OR WARRANT :

What shall be deemed good and sufficient service,—Cap. 95, Sec. 1. (p. 6.)

If Defendant do not appear at the examination, Constable shall be sworn as to service of Summons, and if duly served, Justice may proceed with the case, or issue a Warrant,—Cap. 95, Sec. 12. (p. 13.)

STIPENDIARY MAGISTRATES :—See Police Magistrates.

STOLEN PROPERTY

Search Warrant (Schedule E. 2.) may be issued on the oath of any credible witness, (Schedule E. 1.) that there is reason to suspect that stolen property is in any particular house or other place,—Cap. 96, Sec. 4. (p. 50.)—May be issued on Sunday,—Sec. 3. (p. 49.)

SUMMONS :

(Summary Convictions.)

May be issued (Schedule A.) upon a complaint charging a person with an offence committed within the District, or upon which any Justice may have authority to order the payment of money. To be served on the party personally or at his place of abode. No objection to Summons for any defect allowed, but if party be misled thereby, the hearing of the case may be adjourned,—Cap. 95, Sec. 1. (p. 6.)

Justice not obliged to issue a Summons where the application for any Order of Justices is by law to be made *ex parte*,—Cap. 95, Sec. 1. (p. 6.)

If Summons to party accused be not obeyed, a Warrant (Schedule B.) for his apprehension may issue, upon oath or affirmation being made substantiating the matter of the information, and service of Summons; or the Justice may proceed *ex parte* to the hearing of the information, and adjudicate thereon,—Cap. 95, Sec. 2. (p. 7.)

If Summons to a Witness be not obeyed, a Warrant (Schedule G. 2.) may issue. May be executed in another District on being endorsed by a Justice therein,—Cap. 95, Sec. 6. (p. 10.)

All Summonses may be issued by *one* Justice,—Cap. 95, Sec. 25. (p. 20.)

(Indictable Offences.)

May be issued (Schedule C.) for the appearance of persons suspected of indictable offences, before or after issue of Warrant,—Cap. 96, Sec. 1. (p. 48.)—*See* Warrant.

Information or complaint on which such Summons is issued, need not be in writing, or on oath,—Cap. 96, Sec. 4. (p. 50.)

Form and nature of Summons. (Schedule C.) How served on the party to whom it is directed; on the party not appearing in obedience thereto, a Warrant for his apprehension (Schedule D.) to be issued. No objection to the Summons or Warrant shall be allowed for any defect in form or substance, but if any such variance shall have misled the party charged, the hearing of the case may be adjourned to a future day,—Cap. 96, Sec. 5. (p. 50.)

(To Witnesses)—Shall be issued (Schedule L. 1.) to any person likely to give material evidence, who will not voluntarily appear. On his neglecting to obey the same, a Warrant (Schedule L. 2.) may (on proof of service) be issued, requiring him to be brought, to testify as aforesaid; or such Warrant may issue in the first instance (Schedule L. 3.) if necessary,—Cap. 96, Sec. 8. (p. 53.)

SUNDAY :

Search Warrants or other Warrants may be issued on Sunday,—Cap. 96, Sec. 3. (p. 49.)

SUPERINTENDENT OF POLICE:—*See* Police Magistrates.

TENANTS IN COMMON :

Property belonging to joint tenants or tenants in common, may be described in Information and Proceedings, as belonging to one or more of such parties,—Cap. 95, Sec. 4. (p. 9.)

TREASON

A Complaint (Schedule A.) being made before a Justice, charging any person within his jurisdiction with treason committed therein or elsewhere, a Warrant (Schedule B.) may be issued for his apprehension, or a Summons (Schedule C.) may first be issued, in the discretion of the Justice, to be followed at any time by the Warrant. If he fail to appear to the Summons, a Warrant (Schedule D.) may issue for his apprehension,—Cap. 96, Sec. 1. (p. 48.)

Persons charged with treason may not be admitted to bail, except on the Order of the Court of Queen's Bench, or one of the Judges thereof in vacation,—Cap. 96, Sec. 15. (p. 59.)

TRIAL, COMMITTAL FOR:

(Indictable Offences.)

Prosecutor and witnesses to be bound over by Recognizance (Schedule O. 1.) to appear at the trial. Notice thereof (Schedule O. 2.) to be given to each. A witness refusing to enter into recognizance may be committed to Gaol or House of Correction, by Warrant (Schedule P. 1.) until after the trial. An Order for his discharge (Schedule P. 2.) may be issued if defendant be not committed for trial,—Cap. 96, Sec. 12. (p. 55.)

Recognizances, depositions, and recognizances of bail, to be delivered to the Court in which the trial is to be had, on the first day of sitting,—Cap. 96, Sec. 12, 13. (pp. 56, 57.)

When the evidence is sufficient to put the defendant on his trial, or to raise a strong presumption of his guilt, a Warrant shall issue (Schedule T. 1.) committing him to Gaol or House of Correction, until delivered by due course of law or by admission to bail,—Cap. 96, Sec. 17. (p. 59.)—To the Gaol of another District, in which the offence has been committed,—Sec. 14. (p. 58.)

VENUE:

Actions against Justices must be tried within the District or Circuit where the act was committed. Defendant may change the venue, upon notice to Plaintiff; or it may be changed by the Court in cases where the action cannot be tried fairly and without prejudice in the District or Circuit,—Cap. 54, Sec. 4. (p. 4.)

WARRANT:

(Summary Convictions.)

May issue for apprehension (Schedule B.) of a party failing to obey a Summons upon an Information; or a Warrant for apprehension (Schedule C.) may issue in the first instance,—Cap. 95, Sec. 2. (p. 7.)

Must be under hand and seal of the Justice. How directed. The particulars it must contain. How executed. Party may be arrested within the District, or in case of fresh pursuit, seven miles beyond. If party escape into another District any Justice therein may, on proof (upon oath) of the hand writing of the Justice issuing the Warrant, make an endorsement authorizing its execution in such District. No objection allowed for any defect in form or substance of warrants, but if defendant be misled by any such defect, the Justice may adjourn the hearing of the case, and commit (Schedule D.) defendant to gaol or House of Correction, or admit him to Bail on a Recognizance (Schedule E.). If he fail afterwards to appear, a Certificate thereof (Schedule F.) to be endorsed thereon, and Recognizance to be transmitted to Clerk of the Peace,—Cap. 95, Sec. 3. (p. 7.)

Committing defendant to gaol (Schedule D.) on the hearing of the case being adjourned to a future day,—Cap. 95, Sec. 3. (p. 9.)

WARRANT—Continued.

For apprehension of a witness neglecting to appear to a Summons (Schedule G. 2.) or Warrant in the first instance (Schedule G. 3.) backed as above, when required,—Cap. 95, Sec. 6. (p. 10.)

To commit defendant into safe custody (Schedule H.) on being apprehended under a Warrant,—Cap. 95, Sec. 12. (p. 13.)

Warrant of Distress (Schedule N. 1, 2.) for levying amount of any penalty or payment ordered. May be endorsed (Schedule N. 3.) and executed in another District, as other Warrants,—Cap. 95, Sec. 18. (p. 17.)

In default of sufficient distress, a Warrant (Schedule N. 5.) may issue, committing defendant for such time as the Statute on which conviction is founded may direct, unless penalty, &c., with costs and charges, be sooner paid,—Cap. 95, Sec. 20. (p. 18.)—On a distress upon Complainant for costs (Schedule Q. 2.), for not more than one month,—Sec. 22. (p. 19.)—On a distress for costs (Schedule S. 2.) ordered by any Court, upon an appeal, for not more than two months,—Sec. 23. (p. 20.)

All Warrants may be issued by *one* Justice, who need not be one engaged in hearing and determining the case,—Cap. 95, Sec. 25. (p. 20.)

(Indictable Offences.)

May be issued by one or more Justices of the Peace, for the apprehension of any person within the jurisdiction of such Justices, who may be suspected of an indictable offence committed within the same jurisdiction or elsewhere (Form of Warrant, Schedule B.); or a Summons may be issued first for appearance (Schedule C.), failing which a warrant may be issued (Schedule D.) for his apprehension; or the first mentioned warrant may be issued at any time after the summons,—Cap. 96, Sec. 1. (p. 48.)

Shall be issued for the apprehension of an offender, on production of a certificate of an Indictment found against such person by the Grand Jury in any Court (Form of Warrant, Schedule G.); and on appearing, he shall be committed for trial (Schedule H.), or admitted to bail. If already in confinement for another offence, a Warrant (Schedule I.) shall be issued for his detention,—Cap. 96, Sec. 2. (p. 48.)

Shall be issued for the apprehension of an offender (Schedule D.) on his failing to appear in obedience to a Summons from the Justice. No objection to the Summons or Warrant shall be allowed for any defect in form or substance, but if the party charged shall have been misled by any such variance, the hearing of the case may be postponed,—Cap. 96, Sec. 5. (p. 51.)

Bench Warrants may issue whenever any competent Court may think proper,—Cap. 96, Sec. 2. (p. 49.)

Warrants may be issued on Sunday,—Cap. 96, Sec. 3. (p. 49.)

Information must be made in writing, on oath, before a Warrant can be issued,—Cap. 96, Sec. 4. (p. 50.)

Shall be under the hand and seal of the Justice or Justices issuing the same. (Schedule B.) How directed. The particulars it must contain. How executed. Party may be arrested within the limits of the jurisdiction of the Justice issuing the same, or, in case of fresh pursuit, seven miles beyond such limits. No objection to be allowed for any defect in form or substance of Warrant, but if such variance shall have misled the party charged, the hearing of the case may be adjourned,—Cap. 96, Sec. 6. (p. 51.)

If the party described in the Warrant shall escape to another District, any Justice within whose jurisdiction he may be supposed to be, may, on proof (upon oath) of the signature of the Justice issuing such

WARRANT—Continued :

Warrant, make an endorsement (Schedule K.) authorizing its execution within his jurisdiction ; and if the prosecutor or his witnesses shall be in the District or other territorial division where the party shall have been so apprehended, the Justice or Justices in that division may proceed to the examination of the case,—Cap. 96, Sec. 7. (p. 52.)

To bring before a Justice any witness neglecting to obey a Summons (Schedule L. 2.) Such Warrant may issue in the first instance (Schedule L. 3.) if necessary ; and if the witness go into another District, may be endorsed by any Justice therein (Schedule K.) as above,—Cap. 96, Sec. 8. (p. 53.)

To commit any witness refusing to give evidence to gaol or House of Correction (Schedule L. 4.) for ten days, unless he consent, meanwhile, to be examined,—Cap. 96, Sec. 8. (p. 53.)

To commit any witness refusing to enter into a Recognizance to appear and give evidence at the trial, to Gaol or House of Correction (Schedule P. 1.) until after the trial. If defendant be not committed for trial, witness may be discharged, upon the order (Schedule P. 2.) of any Justice of the District,—Cap. 96, Sec. 12. (p. 56.)

To remand the prisoner (Schedule Q. 1.) to Gaol for not more than 8 days each time, (if for not more than 3 days, by verbal order),—Cap. 96, Sec. 13. (p. 56.)

For committing a person accused of an offence committed within another District, to the Gaol of such District, to await his trial, (Schedule R. 1.)—Cap. 96, Sec. 14. (p. 58.)

On admission of a person to bail who shall have been committed on the charge preferred against him, the Justice shall send a Warrant of Deliverance (Schedule S. 3.) to the Gaoler, to discharge the prisoner,—Cap. 96, Sec. 16. (p. 59.)

To commit the defendant to Gaol (on sufficient evidence appearing against him), to take his trial for the offence charged (Schedule T. 1.)—Cap. 96, Sec. 17. (p. 59.)

WITNESSES :

(Summary Convictions.)

Summons may be issued (Schedule G. 1.) for any important Witness refusing to appear voluntarily. On his neglecting to obey the same, a Warrant (Schedule G. 2.) may (on proof of service) be issued, requiring him to be brought to give evidence ; or such Warrant may issue in the first instance (Schedule G. 3.) if necessary. On any such Witness refusing to give evidence, a Warrant (Schedule G. 4.) may issue, committing him for not exceeding ten days, unless he consent, meanwhile, to be examined,—Cap. 95, Sec. 6. (p. 10.)

Every Prosecutor not pecuniarily interested in the result, and every complainant, shall be a competent Witness,—Cap. 95, Sec. 14. (p. 15.)

Witnesses shall be examined on oath, administered by the Justice,—Cap. 95, Sec. 9, 14. (pp. 12, 15.)

Any Witness refusing to be examined, may be committed (Schedule G. 4.) for any time not exceeding ten days,—Cap. 95, Sec. 6. (p. 10.)

(Indictable Offences.)

Summons may be issued (Schedule L. 1.) for any important Witness refusing to appear voluntarily. On his neglecting to obey the same, a Warrant (Schedule L. 2.) may (on proof of service) be issued, requiring him to be brought to give evidence ; or such Warrant may issue in the first instance (Schedule L. 3.) if necessary. And if the Witness go

WITNESSES—Continued :

into another District, the Warrant may be endorsed (Schedule K) by any Justice therein. On any such Witness refusing to give evidence, a Warrant (Schedule L. 4.) may issue, committing him to Gaol or House of Correction for ten days, unless he consent meantime to be examined,—Cap. 96, Sec. 8. (p. 53.)

Examination of:—*See Examination.*

To be sworn by the examining Justice,—Cap. 96, Sec. 9. (p. 54.)

To be bound by recognizance (Schedule O. 1.) to appear and give evidence at the trial. Nature of Recognizance. A Witness refusing to enter into Recognizance may be committed by Warrant (Schedule P. 1.) until after the trial; and if the Defendant be not committed for trial, such Witness may be discharged, on the Order (Schedule P. 2.) of any Justice of the District,—Cap. 96, Sec. 12. (p. 55.)

On the death of a Witness after the examination, his deposition may be read in evidence on the trial, if signed by the Justice, upon proof that opportunity was afforded for cross examination by the accused or his Counsel or Attorney,—Cap. 96, Sec. 9. (p. 54.)

In absence of Witnesses, the examination may be adjourned, and prisoner remanded,—Cap. 96, Sec. 13. (p. 56.)



ANNO SECUNDO
VICTORIÆ REGINÆ.

CAP. XX.

An Ordinance for the better information of the Government and of the Public, concerning Prosecutions brought before Justices of the Peace.

WHEREAS it will be conducive to the public good that a record should exist shewing the general result of all prosecutions which shall have taken place before any one or more Justices of the Peace not sitting in General Quarter Sessions, or in Special Sessions, at the Court House of any District, or Inferior District of this Province: Be it therefore Ordained and Enacted by His Excellency the Governor, of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "*An Act to make temporary provision for the Government of Lower Canada*," and it is hereby Ordained and Enacted by the authority of the same, that each Justice of the Peace shall make a quarterly return of every prosecution for any offence of a public nature, or for the recovery of any penalty imposed for any such offence, which shall have been brought before him, (whether sitting alone or with any other Justice or Justices,) at any other place than the Court House of any District, or Inferior District of this Province; and such return shall be sent to the Clerk of the Peace for the District, not more than ten, nor less than five days before the holding of each Court of Quarter Sessions, and shall be filed of record by such Clerk, and laid before the Justices at such Court; and such return shall extend in the first instance, from the passing of this Ordinance, to the date of the return; and in all subsequent cases, from the date of the then last return to that of the return itself, and shall shew—

Preamble.

Justices of the Peace to make a quarterly return of prosecutions brought before them.

1. The Justice or Justices (if any), sitting with the Justice making the return.
2. The place of sitting.
3. The name of the Prosecutor.
4. The name of the Defendant.

5. The offence.
6. The result, whether conviction or acquittal.
7. The judgment and amount of penalty, if any.
8. The costs allowed to the successful party.
9. The costs allowed against the unsuccessful party, for any thing done at his instance in or about the Prosecution.
10. The amount of penalty paid, and to whom.
11. The amount of penalty paid to the Receiver-General, or for any public purpose, or remaining to be so paid, and in whose hands.

And such return shall be dated, at the time and place at which it shall be made, and signed by the Justice who shall make it, and shall be made by each Justice, whether any such Prosecution shall have been brought before him or not, during the period over which it extends.

Clerks of Peace to report Justices who have not complied with this order.

II. And be it further Ordained and Enacted by the authority aforesaid, that it shall be the duty of each Clerk of the Peace, within ten days after each Term of the Court of Quarter Sessions for his District, to return to the Governor, Lieutenant Governor, or person administering the Government of this Province, the name of each Justice of the Peace in such District, who shall not have complied with the requirements of this Ordinance.

To go into effect as soon as assented to.

III. And be it further Ordained and Enacted by the authority aforesaid, that an Ordinance of this Province made and passed in the first year of the Reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor or person authorized to execute the Commission of Governor and Special Council of this Province, shall take effect," be, and the same is hereby repealed as to this Ordinance only, and that this present Ordinance shall commence and have effect within the said Province, so soon as the Governor or person authorized to execute the Commission of Governor of the said Province shall have assented to and signed this present Ordinance.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and duly passed in Special Council, at the Government House, in the City of Montreal, the Fourteenth day of March, in the Second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.

C A P.



ANNO QUARTO-DECIMO & QUINTO-DECIMO

VICTORIÆ REGINÆ.

CAP. LIV.

An Act to amend and consolidate the laws affording protection to Magistrates and others in the performance of public duties.

[30th August, 1851.]

WHEREAS there are divers Acts of Parliament in force in Canada, both public, local and personal, whereby certain protections and privileges are afforded to Magistrates and others; And whereas the said Acts are not of an uniform character, and it is desirable that many of the provisions of such Acts should be altered and amended, and the whole reduced into one Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of any such Act or Acts now in force in this Province, whether public, local or personal, as confers any privilege, either as to notice or limitation of action, or as to amount of costs, or as to pleading the general issue and giving the special matter in evidence, or as to the *venue* of the action, or as to tender of amends or payment of money into Court, upon any Magistrate, public officer, or other person, for any act done, either by virtue of his office, or under the provisions of any such Act or Acts, be and the same is hereby repealed, except as to any action, suit or proceeding which has been commenced or prosecuted before the passing of this Act.

Preamble.

So much of any Act as confers certain privilege on any Magistrate, &c., repealed.

II. And be it enacted, That no Writ shall be sued out against any Justice of the Peace or other officer or person fulfilling any public duty, for any thing by him done in the performance of such public duty, whether such duty arises out of the common law, or is imposed by Act of Parliament, either Imperial or Provincial, nor shall any judgment or verdict be rendered against

Notice to be given to any Magistrate, in a certain form, and the plaintiff to be bound by such notice.

against him, unless notice in writing of such intended Writ, specifying the cause of action with reasonable clearness, shall have been delivered to such Justice, officer or other person, or left at the usual place of his abode, by the Attorney or Agent of the party who intends to sue out such Writ, at least one calendar month before suing out such Writ, and in computing such calendar month, the day of the service of such notice and the day of suing out such Writ shall both be excluded, and on such notice shall be written the name and place of abode of such Attorney or Agent suing out such Writ, and by the cause of action stated in such notice the party suing out such Writ shall be bound, and shall not be allowed to give evidence of any other cause of action at the trial thereof.

Such Magistrate, &c., may tender amends; Consequences of such tender.

III. And be it enacted, That any such Justice, officer or other person acting as aforesaid, may, at any time within one calendar month after the service of such notice as aforesaid, tender amends to the party complaining, or his agent or attorney; and in case the same is not accepted, may plead such tender in bar to any action brought against him grounded on such Writ, together with the plea of not guilty, and any other plea; and if the Court or jury shall find the amount tendered to have been sufficient, they shall find for the defendant; but if the Court or jury shall find they were insufficient, or that no tender of amends was made, and they shall also find the other issues against the defendant, or if they find against the defendant where no tender of amends is made or pleaded, then they shall give a judgment or verdict for the plaintiff, with such damages as they shall think proper, and the plaintiff shall have his costs of suit.

In what county the *venue* shall be laid.

Proviso as to changing the *venue*.

IV. And be it enacted, That any such action against such Justice, officer or other person acting as aforesaid, shall be laid and tried within the County in Upper Canada or District or Circuit in Lower Canada, as the case may be, where the act complained of was done and committed: Provided always, that such Justice, officer or other person, acting as aforesaid, may change the *venue* in such action, upon notice to the plaintiff in such action, if he shall think fit so to do: And provided also, that the *venue* may be changed to any other County in Upper Canada or District or Circuit in Lower Canada, as the case may be, that the Court in which such action is brought, or any Judge thereof in Chambers may order, if it shall be made appear to such Court or Judge that such action cannot be tried fairly and without prejudice in the County or District or Circuit in which the *venue* in such action is laid.

General issues may be pleaded and special matter given in evidence.

V. And be it enacted, That every such Justice, officer or person acting as aforesaid, in any such action or suit as aforesaid, may plead the general issue only thereto; that he or they is or are not guilty, and give all special matters of justification or excuse, or that he or they received no notice of action thereunder,

thereunder, as fully and amply as if the same were specially pleaded in such action.

VI. And be it enacted, That it shall be lawful for such Justice, officer or other person acting as aforesaid, if he shall not have tendered amends, or shall have tendered insufficient amends, to pay into Court such sum as he shall think fit, without requiring the leave of the Court or a Judge therefor; and such payment into Court shall be specially pleaded, and shall have the same effect, and such proceedings shall be had thereafter, as in ordinary cases of payment of money into Court.

Magistrate may pay money into Court.

VII. And be it enacted, That if in any such action or suit, judgment shall be rendered in favor of such Justice, officer or other person acting as aforesaid, either on demurrer, verdict, non-suit, or *non-pros*, or otherwise, or the plaintiff shall discontinue his suit, the defendant shall be entitled to and recover against the plaintiff all his costs, as between attorney and client, but no double or treble costs shall in any case be taxed or allowed against the plaintiff.

What costs the defendant shall recover if successful.

VIII. And be it enacted, That no such action or suit shall be brought against any Justice, officer or other person acting as aforesaid, for any thing done by him in the performance of his public duty, as aforesaid, unless commenced within six calendar months after the act committed.

Limitation of action against Magistrates, &c.

IX. And be it enacted, That the privileges and protection given by this Act, shall be given to such Justice, officer or other person acting as aforesaid, only, and to no other person or persons whatever; and any such Justice, officer and other person acting as aforesaid, shall be entitled to such protection and privileges in all such cases as he shall act *bonâ fide* in the execution of his duty, although in such act done, he shall have exceeded his powers or jurisdiction, and have acted clearly contrary to law.

Privileges to extend to the Magistrate, &c., only; and in what cases to him.

C A P. X C V.

An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders.

[30th August, 1851.]

WHEREAS it would conduce much to the improvement of the administration of justice within that part of this Province called Lower Canada, so far as respects Summary Convictions and Orders to be made by Her Majesty's Justices of the Peace therein, if the several Statutes and parts of Statutes relating

Preamble.

relating

relating to the duties of such Justices in respect of such Summary Convictions and Orders were consolidated, with such additions and alterations as may be deemed necessary, and that such duties should be clearly defined by positive enactment: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the re-union of Canada*, and it is hereby enacted by the authority of the same, That in all cases where an Information shall be laid before one or more of Her Majesty's Justices of the Peace for any District in Lower Canada, that any person has committed or is suspected to have committed any offence or act within the jurisdiction of such Justice or Justices of the Peace, for which he is liable by law upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined or otherwise punished; and also in all cases where a complaint shall be made to any such Justice or Justices, upon which he or they have or shall have authority by law to make any Order for the payment of money or otherwise, then in every such case it shall be lawful for such Justice or Justices of the Peace to issue his or their Summons (A), directed to such person, stating shortly the matter of such information or complaint, and requiring him to appear at a certain time and place, before the same Justice or Justices, or before such other Justice or Justices of the same District as shall then be there, to answer to the said information or complaint, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other Peace Officer, or other person to whom the same shall be delivered, upon the person to whom it is so directed, by delivering the same to the party personally, or by leaving the same with some person for him, at his last or most usual place of abode; and the Constable, Peace Officer, or person who shall serve the same in manner aforesaid, shall attend at the time and place, and before the Justices in the said Summons mentioned, to depose, if necessary, to the service 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 fact 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

How summons to be served.

Justices not obliged to issue Summons in certain cases. No objection allowed for want of form.

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.

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, may, 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 Justice or 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 upon oath or affirmation to the Justice or Justices then present, that such Summons was duly served upon such party a reasonable time before the time so appointed for his appearance as aforesaid, it shall be lawful for such Justice or Justice of the Peace to proceed *ex parte* to the hearing of such information or complaint, and to adjudicate thereon, as fully and effectually to all intents and purposes as if such party had personally appeared before him or them in obedience to the said Summons.

If Summons be not obeyed, Justices may issue Warrant;

Or may issue Warrant in the first instance;

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

III. And be it enacted, That every such Warrant to apprehend a Defendant, that he may answer to such information or complaint as aforesaid, shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed to all or any of the Constables or other

Form of Warrant.

Peace

Peace Officers of the District within which the same is to be executed, or to such Constable and all other Constables within the District within which the Justice or Justices issuing such Warrant hath or have jurisdiction, or generally to all Constables within such last mentioned District; and it shall state shortly the matter of the information or complaint on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the Constable or other Peace Officer to whom it is directed, to apprehend the said Defendant, and to bring him before one or more Justice or Justices of the Peace, as the case may require, of the same District, to answer to the said information or complaint, and to be further dealt with according to law; and that it shall not be necessary to make such Warrant returnable at any particular time, but the same may remain in full force until it shall be executed; and such Warrant may be executed by apprehending the Defendant at any place within the District within which the Justices issuing the same shall have jurisdiction, or, in case of fresh pursuit, at any place in the next adjoining District, within seven miles of the border of such first mentioned District without having such Warrant backed as hereinafter mentioned and in all cases in which such Warrant shall be directed to a Constable or Peace Officers within the District within which the Justice or Justices issuing the same shall have jurisdiction, it shall be lawful for any Constable or Peace Officer for any place within the limits of the jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, to execute such Warrant in like manner as if such Warrant were directed specially to such Constable by name, and notwithstanding that the place in which such Warrant shall be executed, shall not be within the place for which he shall be such Constable or Peace Officer; and if the person against whom any such Warrant has been issued be not found within the jurisdiction of the Justice or Justices by whom it issued, or if he shall escape, go into, reside or be, or be supposed or suspected to be in any place within this Province, whether in Upper or Lower Canada, out of the jurisdiction of the Justice or Justices issuing the Warrant, any Justice of the Peace within whose jurisdiction such person shall be or be suspected to be as aforesaid, upon proof alone upon oath of the hand-writing of the Justice or Justices issuing the Warrant, may make an endorsement upon it, signed with his name, authorizing the execution of the Warrant within his jurisdiction; and such endorsement shall be a sufficient authority to the person bringing the Warrant, and to all other persons to whom it was originally directed, and to all Constables or other Peace Officers of the District, County or place where the endorsement is made, to execute the same in any place within the jurisdiction of the Justice of the Peace endorsing the same, and to carry the offender, when apprehended, before the Justice or Justices who first issued the Warrant or some other Justice having the same jurisdiction; Provided always, that no objection shall be taken or allowed

When and how Warrant may be executed.

Backing of Warrant when taken into another jurisdiction.

No objection allowed for

allowed to any such Warrant to apprehend a Defendant, so issued upon any such information or complaint as aforesaid under or by virtue of this Act, for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the Informant or Complainant 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 apprehended under such Warrant 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, and in the mean time to commit (D.) the said Defendant to the House of Correction or other prison, Lock-up House, or place of security, or to such other custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.) with or without Surety or Sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned: Provided always, that in all cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the time and place in such Recognizance mentioned; then the said Justice, who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the back of the said Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the District within which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

want of form in the Warrant or for any variance, &c.

But if the party charged is deceived by the variation, he may be committed or discharged upon Recognizance.

But if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

IV. And be it enacted, That in any information or complaint or proceedings thereon, in which it shall be necessary to state the ownership of any property belonging to or in the possession of partners, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another or others, as the case may be; and whenever in any information or complaint, or the proceedings thereon, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and whenever in any such information or complaint, or the proceedings thereon, it shall be necessary to describe the ownership of any work or building made, maintained or repaired at the expense of any District, County, Township, City, Parish or place, or of any materials for the making, altering or repairing the same, they may be therein described as the property of the inhabitants of such District, County, Township, City, Parish or place respectively.

Description of property of partners, &c.

Prosecution and punishment of aiders and abettors in the commission of offences.

V. And be it enacted, That every person who shall aid, abet, counsel or procure the commission of any offence which is or hereafter shall be punishable on Summary Conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as such principal offender is or shall be by law liable, and may be proceeded against and convicted either in the District, County, Township, City, Parish or place, where such principal offender may be convicted, or in that in which such offence of aiding, abetting, counselling or procuring may have been committed.

Power to Justices to summon witnesses to attend and give evidence.

VI. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence on behalf of the Prosecutor or Complainant or Defendant, and will not voluntarily be and appear as a witness at the time and place appointed for the hearing of such information or complaint, such Justice may, and is hereby required to issue his Summons (G 1.) to such person, under his Hand and Seal, requiring him to be and appear at a time and place mentioned in such Summons, before the said Justice, or before such other Justice or Justices of the Peace for the said District as shall then be there, to testify what he shall know concerning the said information or complaint; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such Summons having been served upon such person; either personally or by leaving the same for him with some person at his last or most usual place of abode) it shall be lawful for the Justice or Justices before whom such person should have appeared, to issue a Warrant (G 2.) under his or their Hands and Seals, to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same District as shall be then there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied, by evidence upon oath or affirmation, that it is probable that such person will not attend to give evidence without being compelled so to do, then instead of issuing such Summons it shall be lawful for him to issue his Warrant (G 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the appearance of such person so summoned before the said last mentioned Justice or Justices, either in obedience to such Summons or upon being brought before him or them by virtue of the said Warrant, such person shall refuse to be examined

If summons be not obeyed, Justice may issue Warrant.

In certain cases may issue Warrant in first instance.

Persons appearing on Summons, &c. refusing to be examined, may be committed.

examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal; any Justice of the Peace then present, and having jurisdiction, may, by Warrant (G 4.) under his Hand and Seal, commit the person so refusing to the Common Gaol or House of Correction for the District where such person refusing shall then be, there to remain and be imprisoned for any time not exceeding ten days, unless he shall, in the mean time, consent to be examined and to answer concerning the premises.

VII. And be it enacted, That in all cases of complaint upon which a Justice or Justices of the Peace may make an Order for the payment of money or otherwise, it shall not be necessary that such complaint shall be in writing, unless it shall be required to be so by some particular Act of Parliament upon which such complaint shall be framed.

Complaint for an Order need not be in writing.

VIII. And be it enacted, That in all cases of informations for any offences or acts punishable upon Summary Conviction, any variance between such information and the evidence adduced in support thereof as to the time at which such offence or act shall be alleged to have been committed, shall not be deemed material if it be proved that such information was in fact laid within the time limited by law for laying the same; and any variance between the said information and the evidence adduced in support thereof, as to the place in which the offence or act shall be alleged to have been committed, shall not be deemed material; provided that the offence or act be proved to have been committed within the jurisdiction of the Justice or Justices by whom such information shall be heard and determined; and if any such variance, or any variance in any other respect between such information and the evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the hearing, to be such that the party charged by such information 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, and in the mean time to commit (D) the said Defendant to the House of Correction or other prison, Lock-up House or place of security, or to such other custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E) with or without Surety or Sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned: Provided always, that in all cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the time and place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any other Justice or Justices who

As to proceedings upon informations for offences punishable on Summary Convictions.

The party charged, if deceived by variance between information and evidence, may be committed or discharged upon Recognizance.

But if he fails to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

who may then be there present, upon certifying (F) upon the back of the said Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the District within which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

Manner of making complaint, or laying information.

IX. And be it declared and enacted, That every such complaint upon which a Justice or Justices of the Peace is, or are or shall be authorized by law to make an Order, and that every information for any offence or act punishable upon Summary Conviction, unless some particular Act of Parliament shall otherwise require, may respectively be made or laid without any oath or affirmation being made of the truth thereof, except in cases of informations where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance, to apprehend the Defendant as aforesaid; and in every such case where the Justice or Justices shall issue his or their Warrant in the first instance, the matter of such information shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf before any such Warrant shall be issued, and every such complaint shall be for one matter of complaint only, and not for two or more matters of complaint, and every such information shall be for one offence only, and not for two or more offences, and every such complaint or information may be laid or made by the Complainant or Informant in person, or by his Counsel or Attorney, or other person authorized in that behalf.

When Warrant is issued in the first instance, information to be on oath, &c.

Time limited for such information or complaint.

X. And be it enacted, That in all cases where no time is already or shall hereafter be specially limited for making any such complaint or laying any such information, in the Act or Acts of Parliament relating to such particular case, such complaint shall be made, and such information shall be laid within six calendar months from the time when the matter of such complaint or information respectively arose.

As to the hearing of complaints and informations.

XI. And be it enacted, That every such complaint or information shall be heard, tried, determined and adjudged by one or two or more Justice or Justices of the Peace, as shall be directed by the Act or Acts of Parliament upon which such complaint or information shall be framed, or such other Act or Acts of Parliament as there may be in that behalf; and if there be no such direction in any such Act of Parliament, then such complaint or information may be heard, tried, determined and adjudged by any one Justice for the District where the matter of such information or complaint shall have arisen; and the room or place in which such Justice or Justices shall sit to hear and try any such complaint or information, shall be deemed an open and public Court to which the public generally

Places in which Justices shall sit to hear com-

generally may have access, so far as the same can conveniently contain them; and the party against whom such complaint is made or information laid, shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf; and every Complainant or Informant in any such case shall be at liberty to conduct such complaint or information respectively, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf.

plaints, &c. to be deemed an open Court.

Parties may plead by Counsel or Attorney.

XII. And be it enacted, That if at the day and place appointed in and by the Summons aforesaid for hearing and determining such complaint or information, the Defendant against whom the same shall have been made or laid, shall not appear when called, the Constable or other person who shall have served him with the Summons in that behalf, shall then declare upon oath in what manner he served the said Summons; and if it appear to the satisfaction of any Justice or Justices that he duly served the said Summons, in that case such Justice or Justices may proceed to hear and determine the case in the absence of such Defendant, or the said Justice or Justices, upon the non-appearance of such Defendant as aforesaid, may if he or they think fit, issue his or their Warrant in manner hereinbefore directed, and shall adjourn the hearing of such complaint or information until the said Defendant shall be apprehended; and when such Defendant shall afterwards be apprehended under such Warrant, he shall be brought before the same Justice or Justices, or some other Justice or Justices of the Peace for the same District, who shall thereupon, either by his or their Warrant (H.) commit such Defendant to the House of Correction or other prison, Lock-up House or place of security, or if he or they think fit, verbally to the custody of the Constable or other person who shall have apprehended him, or to such other safe custody as he or they shall deem fit, and order the said Defendant to be brought up at a certain time and place before such Justice or Justices of the Peace as shall then be there, of which said Order the Complainant or Informant shall have due notice; or if upon the day and at the place so appointed as aforesaid, such Defendant shall appear voluntarily in obedience to the Summons in that behalf served upon him, or shall be brought before the said Justice or Justices by virtue of any Warrant, then, if the said Complainant or Informant, having had due notice as aforesaid, do not appear by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such complaint or information, unless for some reason he or they shall think proper to adjourn the hearing of the same until some other day, upon such terms as he or they shall think fit, in which case such Justice or Justices may commit (D.) the Defendant in the mean time to the House of Correction or other Prison, Lock-up House or place of security, or to such other custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a

If defendant does not appear, Justices may proceed to hear and determine or issue Warrant, and adjourn the hearing till defendant is apprehended.

If defendant appear, and complainant &c. do not, Justice may dismiss the complaint, &c. or adjourn hearing, and commit or discharge defendant upon Recognizance.

Recognizance

But if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

If both parties appear, Justice to hear and determine the case.

Proceedings on the hearing of complaints and informations.

Recognizance (E.) with or without Surety or Sureties at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned; and if such Defendant shall not afterwards appear at the time and place mentioned in such Recognizance, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the back of the Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace for the District in which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant; but if both parties appear, either personally or by their respective Counsel or Attorneys, before the Justice or Justices who are to hear and determine such complaint or information, then the said Justice or Justices shall proceed to hear and determine the same.

XIII. And be it enacted, That when such Defendant shall be present at such hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he have any cause to shew why he should not be convicted, or why an Order should not be made against him, as the case may be; and if he thereupon admit the truth of the information or complaint, and shew no cause or no sufficient cause why he should not be convicted, or why an Order should not be made against him, as the case may be, then the Justice or Justices present at the said hearing, shall convict him or make an Order against him accordingly; but if he do not admit the truth of such information or complaint as aforesaid, then the said Justice shall proceed to hear the Prosecutor or Complainant and such witnesses as he may examine, and such other evidence as he may adduce in support of his information or complaint respectively, and also to hear the Defendant and such witnesses as he may examine, and such other evidence as he may adduce in his defence, and also to hear such witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant shall have examined any witnesses or given any evidence other than as to his the Defendant's general character; but the Prosecutor or Complainant shall not be entitled to make any observations in reply upon the evidence given by the Defendant, nor shall the Defendant be entitled to make any observations in reply upon the evidence given by the Prosecutor or Complainant in reply as aforesaid; and the said Justice or Justices, having heard what each party shall have to say as aforesaid, and the witnesses and evidence so adduced, shall consider the whole matter and determine the same, and shall convict or make an Order upon the Defendant or dismiss the information or complaint, as the case may be; and if he or they convict or make an Order against the Defendant, a Minute or Memorandum thereof shall then be made, for which no fee shall

shall be paid, and the conviction (I 1, 3) or Order (K 1, 3) shall afterwards be drawn up by the said Justice or Justices in proper form, under his or their Hand and Seal or Hands and Seals, and he or they shall cause the same to be lodged with the Clerk of the Peace to be by him filed among the Records of the General or Quarter Sessions of the Peace; or if the said Justice or Justices shall dismiss such information or complaint, it shall be lawful for such Justice or Justices, when required so to do, to make an Order of Dismissal of the same (L), and shall give the Defendant on that behalf a Certificate thereof (M), which said Certificate afterwards upon being produced, without further proof, shall be a bar to any subsequent information or complaint for the same matters respectively, against the same party: Provided always, that if the information or complaint in any such case shall negative any exemption, exception, proviso or condition in the Statute on which the same shall be framed, it shall not be necessary for the Prosecutor or Complainant in that behalf to prove such negative, but the Defendant may prove the affirmation thereof in his defence, if he would have advantage of the same. Proviso.

XIV. And be it enacted, That every Prosecutor of any such information, not having any pecuniary interest in the result of the same, and every Complainant in any such complaint as aforesaid, whatever his interest may be in the result of the same, shall be a competent witness to support such information or complaint respectively, and every witness at any such hearing as aforesaid, shall be examined upon oath or affirmation, and the Justice or Justices before whom any such witness shall appear for the purpose of being so examined, shall have full power and authority to administer to every such witness the usual oath or affirmation. Prosecutors and complainants in certain cases to be deemed competent witnesses, and examined upon oath, &c.

XV. And be it enacted, That before or during such hearing of any such information or complaint, it shall be lawful for any one Justice or for the Justices present, in their discretion, to adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or of their respective Attorneys or Agents then present, and in the mean time the said Justice or Justices may suffer the Defendant to go at large, or may commit (D) him to the Common Gaol or House of Correction, or other prison, Lock-up Place or other place of security within the District for which such Justice or Justices shall then be acting, or to such other safe custody as the said Justice or Justices shall think fit, or may discharge such Defendant upon his Recognizance (E), with or without Sureties at the discretion of such Justices; conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned; and if, at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear personally or by his or their Counsel or Attorneys Power to Justices to adjourn the hearing of cases, and commit defendant, or suffer him to go at large, or discharge him upon his own Recognizance.

But if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

Attorneys respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such hearing or further hearing as if such party or parties were present; or if the Prosecutor or Complainant do not appear, the said Justice or Justices may dismiss the said information or complaint with or without costs as to such Justices shall seem fit: Provided always, that in all cases when a Defendant shall be discharged upon his Recognizance as aforesaid, and shall not afterwards appear at the time and place mentioned in such Recognizance, then the said Justice or Justices who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying (F) on the back of the Recognizance the non-appearance of such accused party, may transmit such Recognizance to the Clerk of the Peace for the District in which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

Form of Convictions and Orders.

XVI. And be it enacted, That in all cases of conviction where no particular form of such conviction is or shall be given by the Statute creating the offence or regulating the prosecution for the same, and in all cases of conviction upon Statutes hitherto passed, whether any particular form of conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall so convict, to draw up his or their conviction, on parchment or on paper, in such one of the forms of conviction (I 1, 3,) in the Schedule of this Act contained as shall be applicable to such case, or to the like effect; and when an Order shall be made, and no particular form of Order is or shall be given by the Statute giving authority to make such Order, and in all cases of Orders to be made under the authority of any Statutes hitherto passed, whether any particular form of Order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such Order is to be made, to draw up the same in such one of the forms of Orders (K 1, 3) in the Schedule to this Act contained, as may be applicable to such case, or to the like effect; and in all cases when by an Act of Parliament authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress, for not obeying any Order of a Justice or Justices, the Defendant shall be served with a copy of the Minute of such Order before any Warrant of Commitment or of Distress shall issue in that behalf, and such Order or Minute shall not form any part of such Warrant of Commitment or of Distress.

Power to Justice to award costs, which shall be specified in con-

XVII. And be it enacted, That in all cases of Summary Conviction or of Orders made by a Justice or Justices of the Peace, it shall be lawful for the Justice or Justices making the

the same, in his or their discretion, to award and order in and by such Conviction or Order that the Defendant shall pay to the Prosecutor or Complainant respectively such costs as to the said Justice or Justices shall seem reasonable in that behalf; and in cases where such Justice or Justices, instead of convicting or making an Order as aforesaid, shall dismiss the information or complaint, it shall be lawful for him or them in his or their discretion in and by his or their Order of Dismissal, to award and order that the Prosecutor or Complainant, respectively, shall pay to the Defendant such costs as to the said Justice or Justices shall seem reasonable, and the sums so allowed for costs shall in all cases be specified in such Conviction or Order or Order of Dismissal as aforesaid, and the same shall be recoverable in the same manner and under the same Warrants as any penalty or sum of money adjudged to be paid in and by such Conviction or Order is to be recoverable, and in case where there is no such penalty or sum of money to be thereby recovered, then such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of such distress, by imprisonment, with or without hard labor, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

XVIII. And be it enacted, That where a conviction adjudges a pecuniary penalty or compensation to be paid, or where an Order requires the payment of a sum of money, and by the Statute authorizing such Conviction or Order, such penalty, compensation or sum of money is to be levied upon the goods and chattels of the Defendant, by distress and sale thereof, and also in cases where, by the Statute in that behalf, no mode of raising or levying such penalty, compensation or sum of money, or of enforcing the payment of the same, is stated or provided, it shall be lawful for the Justice, or any one of the Justices making such Conviction or Order, or for any Justice of the Peace for the same District, to issue his Warrant of Distress (N 1, 2) for the purpose of levying the same, which said Warrant of Distress shall be in writing, under the Hand and Seal of the Justice making the same; and if, after delivery of such Warrant of Distress to the Constable or Constables to whom the same shall have been directed to be executed, sufficient distress shall not be found within the limits of the jurisdiction of the Justice granting such Warrant, then upon proof alone being made upon oath of the hand-writing of the Justice granting such Warrant, before any Justice of any other District, such Justice of such other District shall thereupon make an endorsement (N 3) on such Warrant signed with his Hand, authorizing the execution of such Warrant within the limits of his jurisdiction, by virtue of which said Warrant and endorsement the penalty or sum aforesaid and costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the person bringing such Warrant, or by the person or persons to whom such Warrant

viction or order of dismissal, and may be recovered by distress.

Power to Justice to issue Warrant of Distress

How Warrant to be backed.

When the issuing a Warrant would be ruinous to defendant, or when there are no goods, Justice may commit him to prison.

was originally directed; or by any Constable or other Peace Officer of such last mentioned District, by distress and sale of the goods and chattels of the Defendant in such other District; Provided always that whenever it shall appear to any Justice of the Peace to whom application shall be made for any such Warrant of Distress as aforesaid, that the issuing thereof would be ruinous to the Defendant and his family, or whenever it shall appear to the said Justice, by the confession of the Defendant or otherwise, that he hath no goods and chattels whereon to levy such Distress, then and in every such case it shall be lawful for such Justice, if he shall deem it fit, instead of issuing such Warrant of Distress, to commit such Defendant to the House of Correction, or, if there be no House of Correction within his jurisdiction, then to the Common Gaol, there to be imprisoned with or without hard labor, for such time and in such manner as by law such Defendant might be so committed, in case such Warrant of Distress had issued and no goods or chattels had been found whereon to levy such penalty or sum and costs aforesaid.

Justice, after issuing Warrant, may suffer defendant to go at large or order him into custody, until return be made, unless he gives security by Recognizance.

But if he fail to re-appear, Justice may transmit Recognizance to the Clerk of the Peace.

XIX. And be it enacted, That in all cases where a Justice of the Peace shall issue any such Warrant of Distress, it shall be lawful for him to suffer the Defendant to go at large, or verbally or by a written Warrant in that behalf, to order the Defendant to be kept and detained in safe custody, until Return shall be made to such Warrant of Distress, unless such Defendant shall give sufficient security, by Recognizance or otherwise, to the satisfaction of such Justice, for his appearance before him at the time and place appointed for the Return of such Warrant of Distress, or before such other Justice or Justices for the same District as may then be there: Provided always, that in all cases where a Defendant shall give security by Recognizance as aforesaid, and shall not afterwards appear at the time and place in the said Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace for the District within which the offence shall be laid to have been committed, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

In default of sufficiency of distress, Justice may commit defendant to prison.

XX. And be it enacted, That if at the time and place appointed for the Return of any such Warrant of Distress, the Constable, who shall have had execution of the same, shall return (N 4,) that he could find no goods or chattels or no sufficient goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs of, or occasioned by, the levy of the same, it shall be lawful for the Justice of the Peace before whom the same shall be returned,

to issue his Warrant of Commitment (N 5,) under his Hand and Seal, directed to the same or any other Constable, reciting the Conviction or Order shortly, the issuing of the Warrant of Distress and the Return thereto, and requiring such Constable to convey such Defendant to the House of Correction, or, if there be no House of Correction, then to the Common Gaol of the District for which such Justice shall then be acting, and there to deliver to the Keeper thereof, and requiring such Keeper to receive the Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard labor, in such manner and for such time as shall have been directed and appointed by the Statute on which the Conviction or Order mentioned in such Warrant of Distress was founded, unless the sum or sums adjudged to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the Defendant to prison, if such Justice shall think fit so to order (the amount thereof being ascertained and mentioned in such commitment), shall be sooner paid.

XXI. And be it enacted, That where a Justice or Justices of the Peace shall, upon such information or complaint as aforesaid, adjudge the Defendant to be imprisoned, and such Defendant shall then be in prison undergoing imprisonment upon conviction for any other offence, the Warrant of Conviction for such subsequent offence shall, in every case, be forthwith delivered to the Gaoler to whom the same shall be directed, and it shall be lawful for the Justice or Justices issuing the same, if he or they shall think fit, to award and order therein and thereby, that the imprisonment for subsequent offence shall commence at the expiration of the imprisonment to which such Defendant shall have been previously adjudged or sentenced.

Imprisonment for a subsequent offence to commence at expiration of that for previous offence.

XXII. And be it enacted, That when any information or complaint shall be dismissed with costs as aforesaid, the sum which shall be awarded for costs in the Order for Dismissal, may be levied by distress (Q 1) on the goods and chattels of the Prosecutor or Complainant in the manner aforesaid; and in default of distress or payment, such Prosecutor or Complainant may be committed (Q 2) to the House of Correction or to the Common Gaol in manner aforesaid, for any time not exceeding one calendar month, unless such sum, and all costs and charges of the distress, and of the commitment and conveying of such Prosecutor or Complainant to prison (the amount thereof being ascertained and stated in such commitment), shall be sooner paid.

If information be dismissed, costs may be recovered by distress upon prosecutor, &c, who, in default, may be committed.

XXIII. And be it enacted, That after an appeal against any such Conviction or Order as aforesaid shall be decided, if the same shall be decided in favor of the Respondent, the Justice or Justices who made such Conviction or Order, or any other

After appeal against conviction or order, Justice may issue Warrants of

Distress for execution of the same.

Justice of the Peace for the same District, may issue such Warrant of Distress or Commitment as aforesaid for execution of the same, as if no such appeal had been brought, and if upon any such appeal the Court of General or Quarter Sessions shall order either party to pay costs, such Order shall direct such costs to be paid to the Clerk of the Peace of such Court, to be by him paid over to the party entitled to the same, and shall state within what time such costs shall be paid; and if the same shall not be paid within the time so limited, and the party ordered to pay the same shall not be bound by any Recognizance conditioned to pay such costs, such Clerk of the Peace or his Deputy on application of the party entitled to such costs or of any person on his behalf, and on payment of a Fee of One Shilling, shall grant to the party so applying a Certificate (R) that such costs have not been paid, and upon production of such Certificate to any Justice or Justices of the Peace for the same District, it shall be lawful for him or them to enforce the payment of such costs by Warrant of Distress (S. 1,) in manner aforesaid, and in default of distress he or they may commit (S 2,) the party against whom such Warrant shall have issued, in manner hereinbefore mentioned, for any time not exceeding two calendar months, unless the amount of such costs and all costs and charges of the distress, and also the costs of the commitment and conveying of the said party to prison, if such Justice or Justices shall think fit so to order, (the amount thereof being ascertained and stated in such commitment); shall be sooner paid.

On payment of Penalty, &c. distress not to be levied, or the party, if imprisoned for non-payment, shall be discharged.

XXIV. And be it enacted, That in all cases where a Warrant of Distress shall issue as aforesaid against any person, and such person shall pay or tender to the Constable having the execution of the same, the sum or sums in such Warrant mentioned, together with the amount of the expenses of such Distress up to the time of such payment or tender, such Constable shall cease to execute the same; and in all cases in which any person shall be imprisoned as aforesaid for non-payment of any penalty or other sum, he may pay or cause to be paid to the Keeper of the Prison in which he shall be so imprisoned, the sum in the Warrant of Commitment mentioned, together with the amount of the costs, charges and expenses (if any) therein also mentioned, and the said Keeper shall receive the same, and shall thereupon discharge such person if he be in his custody for no other matter.

In cases of summary proceedings, one Justice may issue Summons or Warrant, &c. and after conviction or order may issue Warrant of Distress, &c.

XXV. And be it enacted, That in all cases of Summary proceedings before a Justice or Justices of the Peace out of Sessions, upon any information or complaint as aforesaid, it shall be lawful for one Justice to receive such information or complaint, and to grant a Summons or Warrant thereon, and to issue his Summons or Warrant to compel the attendance of any witnesses, and to do all other acts and matters which may be necessary, preliminary to the hearing, even in cases whereby

whereby the Statute in that behalf such information and complaint must be heard and determined by two or more Justices, and after the case shall have been so heard and determined, one Justice may issue all Warrants of Distress or Commitment thereon; and it shall not be necessary that the Justice who so acts before or after such hearing, shall be the Justice or one of the Justices by whom the said case shall be heard and determined: Provided always, that in all cases where by Statute it is or shall be required that any such information or complaint shall be heard and determined by two or more Justices, or that a Conviction or Order shall be made by two or more Justices, such Justices must be present and acting together during the whole of the hearing and determination of the case. Proviso.

XXVI. And be it enacted, That the Fees to which any Clerk of the Peace, Clerk of the Special Sessions or Clerk of the Weekly Sessions, or Clerk to any Justice or Justices out of Sessions, shall be entitled, shall be ascertained, appointed and regulated in manner following, that is to say: the Justices of the Peace, at their General or Quarter Sessions for the several Districts, shall, within six months from the coming into force of this Act, and afterwards from time to time, as they shall see fit, respectively make Tables of the Fees which in their opinion should be paid to the Clerks of the Peace, to the Clerks of the Special and Weekly Sessions, and to the Clerks of the Justices of the Peace within their several jurisdictions, and which said Tables respectively, being signed by the Chairman of every such Court of General or Quarter Sessions respectively, shall be laid before the Secretary of this Province, and it shall be lawful for such Secretary, if he sees fit, to alter such Table or Tables of Fees, and to subscribe a Certificate or Declaration that the Fees specified in such Table or Tables as made by such Justices, or as altered by such Secretary, are proper to be demanded and received by the Clerks of the Peace, Clerks of the Special Sessions and Weekly Sessions, and the Clerks of the several Justices of the Peace respectively throughout this Province, and such Secretary of the Province shall cause copies of such Table or Set of Tables of Fees to be transmitted to the several Clerks of the Peace throughout the Province, to be by them distributed to the Justices within their several Districts respectively, and to be by the said Justices placed in the hands of their Clerks respectively; and if after such copy shall be received by any such Clerk, he shall demand or receive any other or greater Fee or Gratuity for any business or act transacted or done by him as such Clerk than such as is set down in such Table or Set of Tables, he shall forfeit for every such demand or receipt the sum of Twenty Pounds, to be recovered by action of debt in any Court having jurisdiction for that amount by any person who will sue for the same; Provided always, that until such Tables or Set of Tables shall be framed and confirmed, and distributed as aforesaid, it shall Regulations as to the payment of Clerk's fees.
Proviso.
be

be lawful for such Clerk or Clerks to demand and receive such Fees as they are now by any Rule or Regulation of a Court of General or Quarter Sessions, or otherwise, authorized to demand and receive.

Regulations
as to whom
penalties, &c.
to be paid to.

XXVII. And be it enacted, That in every Warrant of Distress to be issued as aforesaid, the Constable or other person to whom the same shall be directed, shall be thereby ordered to pay the amount of the sum to be levied thereunder unto the Clerk of the Peace, Clerk of the Special Sessions, Clerk of the Weekly Sessions, or Clerk of the Justices of the Peace, as the case may be, for the place wherein the Justice or Justices issued such Warrant, and if a person convicted of any penalty, or ordered by a Justice or Justices of the Peace to pay any sum of money, shall pay the same to any Constable or other person, such Constable or other person shall forthwith pay the same to such Clerk of the Peace, Clerk of the Special Sessions, Clerk of the Weekly Sessions, or Clerk of the Justice of the Peace, as the case may be; and if any person committed to prison upon any Conviction or Order as aforesaid for non-payment of any penalty, or of any sum thereby ordered to be paid, shall desire to pay the same and costs before the expiration of the time for which he shall be so ordered to be imprisoned by the Warrant for his commitment, he shall pay the same to the Gaoler or Keeper of the prison in which he shall be so imprisoned, and such Gaoler or Keeper shall forthwith pay the same to the said Clerk of the Peace, Clerk of the Special Sessions, Clerk of the Weekly Sessions, or Clerk of the Justice of the Peace, as the case may be, and all sums so received by the said Clerk shall forthwith be paid by him to the party or parties to whom the same respectively are to be paid, according to the directions of the Statute on which the information or complaint in that behalf shall have been framed; and if such Statute shall contain no such directions for the payment thereof to any person or persons, then such Clerk shall pay the same to the Treasurer of the District, Municipality, City, Town or Borough in which such person shall have been so condemned to pay the said sum, and for which such Treasurer shall give him a receipt; and every such Clerk of the Special Sessions, Clerk of the Weekly Sessions, or Clerk of the Justice of the Peace, and every such Gaoler or Keeper of a prison shall keep a true and exact account of all such moneys by him received, of whom and when received, and to whom and when paid, and shall, once in every three months, render a fair copy of every such accounts to the Clerk of the Peace for the District in which such payment was made, who shall likewise, every three months, render a similar account to the Justices assembled at the Quarterly Sessions of the Peace for the said District, as also, once every month to the Justices assembled at the Weekly Sessions of the Peace.

XXVIII. And be it enacted, That the several forms in the Schedule to this Act contained, or forms to the like effect, shall be deemed good, valid and sufficient in law.

Forms in Schedule valid.

XXIX. And be it enacted, That any one Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate, appointed or to be appointed for any City, Borough, Town, Place or District, and sitting at a Police Court or other place appointed in that behalf, shall have full power to do alone whatever is authorized by this Act to be done by two or more Justices of the Peace; and that the several forms hereinafter mentioned may be varied so far as it may be necessary to render them applicable to the Police Courts aforesaid, or to the Court or other place of sitting of such Stipendiary Magistrate.

Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate may act alone.

XXX. And be it enacted, That any Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate as aforesaid, sitting as aforesaid at any Police Court or other place appointed in that behalf, shall have such and like powers and authority to preserve order in the said Courts during the holding thereof, and by the like ways and means as now by law are or may be exercised and used in like cases and for the like purposes by any Courts of Law in this Province, or by the Judges thereof respectively, during the sittings thereof.

Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate to have power for preventing order;

XXXI. And be it enacted, That the said Inspectors and Superintendents of Police, Police Magistrates or Stipendiary Magistrates, in all cases where any resistance shall be offered to the execution of any Summons, Warrant of Execution or other Process issued by them, shall be hereby empowered to enforce the due execution of the same by the means provided by the laws of Lower Canada for enforcing the execution of the Process of other Courts in like cases.

And for enforcing execution of Process.

XXXII. And be it enacted, That in all the Cities, Towns, and other places where General or Quarter Sessions of the Peace are or shall be hereafter held, the Clerk or Clerks of the Peace shall act as Clerk or Clerks of the Justices of the Peace and of the Inspectors or Superintendents of Police in such Cities, Towns, and other places, as well at all Special as at all Weekly Sessions of the Peace held or hereafter to be held therein.

Clerks of the Peace to act as Clerks of Justices, &c.

XXXIII. And be it enacted, That from and after the day on which this Act shall commence and take effect, all other Acts or parts of Acts contrary to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Inconsistent enactments repealed.

XXXIV. And be it enacted, That this Act shall apply only to Lower Canada, except in so far as any provision thereof is expressly extended to Upper Canada, or to any act to be done there.

Act hw to apply.

When to commence.

XXXV. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-two, and not before.

SCHEDULES.

(A)

SUMMONS TO THE DEFENDANT UPON AN INFORMATION AND COMPLAINT.

Province of Canada, }
District of }

To A. B. of (laborer):

Whereas information hath this day been laid (or complaint hath this day been made) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District of , for that you (here state shortly the matter of the information or complaint): These are therefore to command you in Her Majesty's name, to be and appear on at o'clock in the forenoon, at , before such Justices of the Peace for the said District as may then be there, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under my Hand and Seal, this day of in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

(B)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Province of Canada, }
District of }

To all or any of the Constables or other Peace Officers in the District of

Whereas on last past, information was laid (or complaint was made) before , (one) of Her Majesty's Justices of the Peace in and for the said District of , for that A. B. (&c., as in the Summons): And whereas (I) the said Justice of the Peace then issued (my) Summons unto the said A. B. commanding him in Her Majesty's name, to be and appear on at o'clock in the forenoon, at , before such Justices of the Peace as might then be there, to answer unto the said information (or complaint,) and to be further dealt with according to law; And whereas the said A. B. hath neglected to be and appear at the time and place so appointed

Justices of the Peace in and for the said District of _____, for that (*&c.*, as in the *Summons*); And whereas the hearing of the same is adjourned to the _____ day of _____ (*instant*), at _____ o'clock in the (*fore*) noon, at _____, and it is necessary that the said A. B. should in the mean time be kept in safe custody: These are therefore to command you, or any one of the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey the said A. B. to the (*House of Correction*;) at _____, and there deliver him into the custody of the Keeper thereof, together with this Precept: And I hereby require you, the said Keeper, to receive the said A. B. into your custody in the said (*House of Correction*) and there safely keep him until the _____ day of _____ (*instant*) when you are hereby required to convey and have him, the said A. B., at the time and place to which the said hearing is so adjourned as aforesaid, before such Justices of the Peace for the said District as may then be there, to answer further to the said information (*or complaint*;) and to be further dealt with according to law.

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. S.]

(E)

RECOGNIZANCE FOR THE APPEARANCE OF THE DEFENDANT WHEN THE CASE IS ADJOURNED, OR NOT AT ONCE PROCEEDED WITH.

Province of Canada, }
District of _____ }

Be it remembered, That on _____, A. B. of _____ (*laborer*;) and L. M. of _____ (*grocer*;) personally came and appeared before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____ and the said L. M. the sum of _____ of good and lawful current money of this Province, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned at _____ before me.

J. S. [L. S.]

The condition of the within written Recognizance is such that if the said A. B. shall personally appear on the _____ day of _____, (*instant*.) at _____ o'clock in the (*forenoon*), at _____, before such Justices of the Peace for the said District as may then be there, to answer further to the information (*or* complaint) of C. D. exhibited against the said A. B. and to be further dealt with according to law, then the said Recognizance to be void, or else to stand in full force and virtue.

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE
DEFENDANT AND HIS SURETY.

Take notice that you, A. B., are bound in the sum of _____ and you, L. M. in the sum of _____, that you, A. B., appear personally on _____ at _____ o'clock in the (*fore*) noon at _____, before such Justices of the Peace for the District of _____ as shall then be there, to answer further to a certain information (*or* complaint) of C. D. the further hearing of which was adjourned to the said time and place, and unless you appear accordingly, the Recognizance entered into by you, A. B., and by L. M. as your Sureties, will forthwith be levied on you and him.

Dated this _____ day of _____, one thousand eight
hundred and _____

J. S. [L. S.]

(F)

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE
DEFENDANT'S RECOGNIZANCE.

I hereby certify, that the said A. B. hath not appeared at the time and place in the said condition mentioned, but therein hath made default, by reason whereof the within written Recognizance is forfeited.

J. S. [L. S.]

(G 1.)

SUMMONS OF A WITNESS.

Province of Canada, }
District of _____ }

To E. F. of _____, in the said District of _____

Whereas information was laid (*or* complaint was made) before _____ (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, for that (*&c.*, as in the *Summons*), and it hath been made to appear to me upon (*oath*) that _____ that

that you are likely to give material evidence on behalf of the (Prosecutor or Complainant, or Defendant) in this behalf; These are therefore to require you to be and appear on at _____ o'clock in the (fore) noon, at _____ before such Justices of the Peace for the said District as may then be there, to testify what you shall know concerning the matter of the said information (or complaint).

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____ in the District aforesaid.

J. S. [L. s.]

(G 2.)

WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS.

Province of Canada, }
District of _____ }

To all or any of the Constables and other Peace Officers in the said District of _____

Whereas information was laid (or complaint was made) before _____ (one) of Her Majesty's Justices of the Peace, in and for the said District of _____ for that (&c., as in the Summons,) and it having been made to appear to (me) upon oath, that E. F., of _____, in the said District (laborer) was likely to give material evidence on behalf of the (prosecutor,) (I) did duly issue (my) Summons to the said E. F., requiring him to be and appear on _____, at _____ o'clock in the (fore) noon of the same day, at _____, before such Justice or Justices of the Peace for the said District as might then be there, to testify (what he should know concerning the said A. B.,) or the matter of the said information (or complaint): And whereas proof hath this day been made before me, upon oath, of such Summons having been duly served upon the said E. F.; and whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse hath been offered for such neglect; These are therefore to command you to take the said E. F., and to bring and have him on _____, at _____ o'clock in the _____ noon, at _____, before such Justice or Justices of the Peace for the said District, as may then be there to testify what he shall know concerning the said information (or complaint).

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____ in the District aforesaid.

J. S. [L. s.]

(G 3.)

(G 3.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Province of Canada, }
 District of }

To all or any of the Constables, or other Peace Officers in the said District of

Whereas information was laid (or complaint was made) before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said District of , for that (&c., as in the *Summons*), and if being made to appear before me upon oath that E. F., of (laborer,) is likely to give material evidence on behalf of the (prosecutor) in this matter, and it is probable that the said E. F. will not attend to give evidence without being compelled so to do; These are therefore to command you to bring and have the said E. F. before me, on at o'clock in the (fore)noon, at , or before such other Justice or Justices of the Peace for the said District as may then be there, to testify what he shall know concerning the matter of the said information (or complaint.)

Given under my Hand and Seal, this day of
 in the year of our Lord, , at , in the District
 aforesaid.

J. S. [L. s.]

(G 4.)

COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN OR TO GIVE EVIDENCE.

Province of Canada, }
 District of }

To all or any of the Constables, or other Peace Officers in the said District of and to the Keeper of the (House of Correction) at

Whereas information was laid (or complaint was made) before (me) (one) of Her Majesty's Justices of the Peace in and for the said District of , for that (&c., as in the *Summons*), and one E. F., now appearing before me such Justice as aforesaid, on , at , and being required by me to make oath or affirmation as a witness in that behalf, hath now refused so to do, (or being now here duly sworn as a witness in the matter of the said information (or complaint) doth refuse to answer a certain question concerning the

Given under my Hand and Seal, this _____ day of _____, in
the year of our Lord _____, at _____, in the District
aforesaid.

J. S. [L. s.]

(11.)

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS, AND
IN DEFAULT OF SUFFICIENT DISTRESS, IMPRISONMENT.

Province of Canada; }
District of _____ }

Be it remembered, That on the _____ day of _____, in
the year of our Lord _____, at _____, in the said District,
A. B. is convicted before the undersigned; (one) of Her Ma-
jesty's Justices of the Peace for the said District for that he the
said A. B., (*&c., stating the offence, and the time and place
when and where committed.*) and I adjudge the said A. B. for
his said offence to forfeit and pay the sum of _____ (*stating
the penalty, and also the compensation, if any*) to be paid and
applied according to law, and also to pay to the said C. D. the
sum of _____, for his costs in this behalf; and if the said
several sums be not paid forthwith (*or on or before*
next,) * I order that the same be levied by distress and sale of
the goods and chattels of the said A. B., and in default of
sufficient distress, * I adjudge the said A. B. to be imprisoned
in the (*House of Correction*) at _____ in the said District,
(*there to be kept to hard labor*) for the space of _____,
unless the said several sums and all costs and charges of the
said distress (*and of the commitment and conveying of the said
A. B. to the said House of Correction*) shall be sooner paid.

Given under my Hand and Seal, the day and year first
above mentioned, at _____ in the District aforesaid.

J. S. [L. s.]

* *Or, when the issuing of a Distress Warrant would be
ruinous to the Defendant or his family, or it appears that he
has no goods whereon to levy a distress, then, instead of the
words between the asterisks, * say, " then inasmuch as it hath
now been made to appear to me (that the issuing of a Warrant
of Distress in this behalf would be ruinous to the said A. B.
or his family," or, " that the said A. B. hath no goods or
chattels whereon to levy the said sums by distress)," I adjudge,
&c , as above, to the end.*

(12.)

(12.)

CONVICTION FOR A PENALTY, AND IN DEFAULT OF PAYMENT,
IMPRISONMENT.

Province of Canada, }
 District of }

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, at _____, in the said District, A. B. is convicted before the undersigned, (*one*) of Her Majesty's Justices of the Peace for the said District, for that he the said A. B. (*&c., stating the offence, and the time and place when and where it was committed,*) and I adjudge the said A. B. for his said offence to forfeit and pay the sum of _____ (*stating the penalty and the compensation, if any,*) to be paid and applied according to law; and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith (*or, on or before next,*) I adjudge the said A. B. to be imprisoned in the (*House of Correction*) at _____ in the said District, (*and there to be kept at hard labor*) for the space of _____, unless the said several sums and the costs and charges of conveying the said A. B. to the said (*House of Correction*) shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned, at _____ in the District aforesaid.

J. S. [L. s.]

(13.)

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISONMENT, &c.

Province of Canada, }
 District of }

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, in the said District, A. B. is convicted before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District, for that he the said A. B. (*&c., stating the offence and the time and place when and where it was committed,*); and I adjudge the said A. B. for his said offence to be imprisoned in the House of Correction, at _____ in the said District, (*and there to be kept to hard labor*) for the space of _____; and I also adjudge the said A. B. to pay to the said C. D. the sum of _____ for his costs in this behalf, and if the said sum for costs be not paid forthwith, (*or on or before next,*) then * I order that the said sum be levied by distress and sale

sale of the goods and chattels of the said A. B. ; and in default of sufficient distress in that behalf, * I adjudge the said A. B. to be imprisoned in the said House of Correction, (*and there kept to hard labor*) for the space of _____, to commence at _____ and from the term of his imprisonment aforesaid; unless the said sum for costs shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned at _____ in the District aforesaid.

J. S. [L. s.]

* *Or, when the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks * *, say, "inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family," or, "that the said A. B. hath no goods or chattels whereon to levy the said sum for costs by distress,)" I adjudge, &c.*

(K 1.)

ORDER FOR PAYMENT OF MONEY TO BE LEVIED BY DISTRESS,
AND IN DEFAULT OF DISTRESS, IMPRISONMENT.

Province of Canada, }
District of _____ }

Be it remembered, That on _____ complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____ for that (*stating the facts entitling the Complainant to the order, with the time and place when and where they occurred*), and now at this day, to wit, on _____, at _____, the parties aforesaid appear before me the said Justice, (*or*, the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here on this day before such Justice or Justices of the Peace for this said District, as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of _____ forthwith, *or on* _____ or before _____ next, (*or as the Statute may require*), and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said _____ several

several sums be not paid forthwith (or on or before next) * I hereby order that the same be levied by distress and sale of the goods and chattels of the said A. B. (and in default of sufficient distress in that behalf * I adjudge the said A. B. to be imprisoned in the (House of Correction) at in the said District, (and there kept to hard labor) for the space of _____ unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said House of Correction,) shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord, _____ at _____ in the District aforesaid.

J. S. [L. s.]

* Or, when the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then, instead of the words between the asterisks ** say, "inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family," or, "that the said A. B. hath no goods or chattels whereon to levy the said sums by distress)," I adjudge, &c.

(K 2.)

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Province of Canada, }
District of _____ }

Be it remembered, That on _____ complaint was made before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said District of _____, for that (i.e. stating the facts entitling the Complainant to the order, with the time and place when and where they occurred), and now at this day, to wit, on _____, at _____, the parties aforesaid appear before me the said Justice, (or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, requiring him to be and appear here on this day before such Justices of the Peace for the said District, as should now be here, to answer the said complaint, and be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of _____ forthwith, or on or before next, (or as the Statute may require), and also to pay to _____

to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith, (or on or before _____ next), I adjudge the said A. B. to be imprisoned in the House of Correction at _____ in the said District, *(there to be kept to hard labor)* for the space of _____, unless the said several sums *(and costs and charges of commitment and conveying the said A. B. to the said House of Correction)* shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(K 3.)

ORDER FOR ANY OTHER MATTER WHERE THE DISOBEYING OF IT IS PUNISHABLE WITH IMPRISONMENT.

Province of Canada, }
District of _____ }

Be it remembered, That on _____ complaint was made before the undersigned, *(one)* of Her Majesty's Justices of the Peace in and for the said District of _____ for that *(stating the facts entitling the Complainant to the order, with the time and place where and when they occurred.)* and now at this day, to wit, on _____ at _____, the parties aforesaid appear before me the said Justice, *(or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here this day before such Justice or Justices of the Peace for the said District, as should now be here, to answer to the said complaint, and to be further dealt with according to law.)* and now having heard the matter of the said complaint, I do therefore adjudge the said A. B. to *(here state the matter required to be done)*, and if upon a copy of the Minute of this Order being served upon the said A. B. either personally or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case I adjudge the said A. B. for such his disobedience to be imprisoned in the *(House of Correction)* at _____ in the said District *(there to be kept to hard labor)* for the space of _____ *(unless the said order be sooner obeyed, (if the Statute authorize this) ; and I do also adjudge the said A. B. to pay to the said C. D. the sum of _____ for his costs in this behalf, and*

if the said sum for costs be not paid forthwith, (*or, on or before next,*) I order the same to be levied by distress and sale of the goods and chattels of the said A. B. and in default of sufficient distress in that behalf, I adjudge the said A. B. to be imprisoned in the said House of Correction (*there to be kept to hard labor*) for the space of _____ to commence at _____ and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(L)

ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Province of Canada, }
District of _____ }

Be it remembered, That on _____ information was laid (*or complaint was made*) before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, for that (*&c., as in the Summons to the Defendant,*) and now at this day, to wit, on _____, at _____, both the said parties appear before me in order that I should hear and determine the said information (*or complaint,*) (*or the said A. B. appeareth before me, but the said C. D. although duly called doth not appear,*) whereupon the matter of the said information (*or complaint*) being by me duly considered (it manifestly appears to me that the said information (*or complaint*) is not proved,*) and I do therefore dismiss the same, (and do adjudge that the said C. D. do pay to the said A. B. the sum of _____ for his costs incurred by him in his defence in this behalf: and if the said sum for costs be not paid forthwith, (*or on or before* _____) I order the same be levied by distress and sale of the goods and chattels of the said C. D., and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the House of Correction at _____ in the said District, (*and there to be kept to hard labor*) for the space of _____, unless the said sum for costs and all costs and charges of the said distress (*and of the commitment of the said C. D. to the said House of Correction,*) shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

* *If the Informant or Complainant do not appear, these words may be omitted.*

(M.)

(M)

CERTIFICATE OF DISMISSAL.

I hereby certify that an information (or complaint) preferred by C. D. against A. B. for that (or as in the *Summons*.) was this day considered by me, one of Her Majesty's Justices of the Peace in and for the District of _____, and was by me dismissed (*with costs*.)

Dated this _____ day of _____, one thousand eight hundred and _____.

J. S. [L. s.]

(N 1.)

WARRANT OF DISTRESS UPON A CONVICTION FOR A PENALTY.

Province of Canada, }
District of _____ }

To all or any of the Constables, or other Peace Officers in the said District of _____

Whereas A. B., late of _____, (*laborer*.) was on this day (or on _____ last past) duly convicted before _____, (*one*) of Her Majesty's Justices of the Peace, in and for the said District of _____, for that (*stating the offence as in the conviction*.) and it was thereby adjudged that the said A. B. should for such his offence forfeit and pay; (&c., *as in the conviction*.) and should also pay to the said C. D. the sum of _____ for his costs in that behalf; and it was thereby ordered that if the said several sums should not be paid (*forthwith*) the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was thereby also adjudged that the said A. B., in default of sufficient distress, should be imprisoned in the House of Correction at _____ in the said District, (*and there to be kept to hard labor*) for the space of _____, unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said House of Correction, should be sooner paid*; And whereas the said A. B. being so convicted as aforesaid and being (*now*) required to pay the said sums of _____ and _____ hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within _____ days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the distress, shall not be paid, then you do sell the said goods and chattels so by you distrained, and do _____ pay

pay the money arising from such sale unto the Clerk of the Peace for the said District of _____ (or to the Clerk of the Special Sessions for the said District, or to the Clerk of the Weekly Sessions for the said District, or to the Clerk of the convicting Justice, *as the case may be*) that he may pay and apply the same as by law is directed, and may render the overplus, if any, on demand, to the said A. B. ; and if no such distress can be found, then, that you certify the same unto me, to the end that such further proceedings may be had thereon as to law doth appertain.

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____ in the District aforesaid.

J. S. [L. s.]

(N 2.)

WARRANT OF DISTRESS UPON AN ORDER FOR THE PAYMENT OF MONEY.

Province of Canada, }
District of _____ }

To all or any of the Constables, or other Peace Officers, in the said District of _____

Whereas on _____ last past, a complaint was made before _____ (one) of Her Majesty's Justices of the Peace in and for the said District, for that (&c., *as in the order*;) and afterwards, to wit, on _____, at _____, the said parties appeared before _____ (*as in the order*;) and thereupon having considered the matter of the said complaint, the said A. B. was adjudged (*to pay to the said C. D. the sum of _____ on or before _____ then next*;) and also to pay to the said C. D. the sum of _____ for his costs in that behalf ; and it was ordered that if the said several sums should not be paid on or before the said _____ then next, the same should be levied by distress and sale of the goods and chattels of the said A. B. ; and it was adjudged that in default of sufficient distress in that behalf, the said A. B. should be imprisoned in the (House of Correction) at _____ in the said District (*and there kept to hard labor*;) for the space of _____, unless the said several sums and all costs and charges of the distress (*and of the commitment and conveying of the said A. B. to the said House of Correction*) should be sooner paid ; * And whereas the time in and by the said order appointed for the payment of the said several sums of _____ and _____ hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default ; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and _____

and chattels of the said A. B. ; and if within the space of days after the making of such distress, the said last mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto the Clerk of the Peace for the District of _____ (or to the Clerk of the Special Sessions for the said District, or to the Clerk of the Weekly Sessions for the said District, or to the Clerk of the Convicting Justice, as the case may be;) that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B. ; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my Hand and Seal, this _____ day of _____ in the year of our Lord _____, at _____ in the District aforesaid.

J. S. [L. s.]

(N 3.)

ENDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Province of Canada, }
District of _____ }

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said District, that the name of J. S. to the within Warrant subscribed, is of the hand-writing of the Justice of the Peace within mentioned, I do therefore authorize U. T. who bringeth me this Warrant, and all other persons to whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers in the said District of _____ to execute the same within the said District of _____

Given under my Hand, this _____ day of _____, one thousand eight hundred and _____

J. B.

(N 4.)

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, W. T., Constable of _____, in the District of _____, hereby certify to J. S., Esquire, one of Her Majesty's Justices of the Peace for the said District, that by _____

by virtue of this Warrant, I have made diligent search for the goods and chattels of the within mentioned A. B., and that I can find no sufficient goods or chattels of the said A. B. whereon to levy the sums within mentioned.

Witness my Hand, this day of one thousand
eight hundred and

W. T.

(N 5.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To all or any of the Constables and other Peace Officers, in the District of , and to the Keeper of the (House of Correction,) at , in the said District of :

Whereas (&c., as in either of the foregoing Distress Warrants N 1, 2, to the asterisk *, and then thus): And whereas afterwards, on the day of , in the year aforesaid, I, the said Justice issued a Warrant to all or any of the Constables or other Peace Officers of the District of commanding them, or any of them, to levy the said sums of and by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, as well by the return to the said Warrant of Distress, by the Constable who had the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the (House of Correction) at aforesaid, and there deliver him to the said Keeper, together with this Precept; and I do hereby command you, the said Keeper of the said (House of Correction) to receive the said A. B. into your custody, in the said (House of Correction,) there to imprison him (and keep him to hard labor) for the space of , unless the said several sums, and all the costs and charges of the said distress; (and of the commitment and conveying of the said A. B. to the said House of Correction) amounting to the further sum of , shall be sooner paid unto you the said Keeper; and for so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this day of ,
in the year of our Lord , at , in the
District aforesaid.

J. S. [L. s.]

(O 1.)

(O 1.)

WARRANT OF COMMITMENT UPON A CONVICTION FOR A PENALTY
IN THE FIRST INSTANCE.

Province of Canada, }
District of }

To all or any of the Constables or other Peace Officers in
the said District of _____, and to the Keeper of the
(House of Correction) at _____,
in the said District of _____,

Whereas A. B., late of _____ (*laborer*), was on this
day convicted before the undersigned, (*one*) of Her Majesty's
Justices of the Peace, in and for the said District, for that
(*stating the offence as in the conviction*), and it was thereby
adjudged that the said A. B., for his said offence should forfeit
and pay the sum of _____ &c., as in the
conviction), and should pay to the said C. D. the sum of _____
for his costs in that behalf; and it was thereby
further adjudged that if the said several sums should not be
paid (*forthwith*) the said A. B. should be imprisoned in the
(House of Correction) at _____, in the said District
(*and there kept to hard labor*) for the space of _____
, unless the said several sums (*and the costs*
and charges of conveying the said A. B. to the said House of
Correction) should be sooner paid; And whereas the time in
and by the said conviction appointed for the payment of the
said several sums hath elapsed, but the said A. B. hath not
paid the same or any part thereof, but therein hath made
default; These are therefore to command you, the said Con-
stables or Peace Officers, or any one of you, to take the said A.
B., and him safely to convey to the (House of Correction)
at _____ aforesaid, and there to deliver him
to the Keeper thereof, together with this Precept; and I do
hereby command you the said Keeper of the said (House of
Correction) to receive the said A. B. into your custody in the
said (House of Correction,) there to imprison him (*and keep him*
to hard labor) for the space of _____, unless the said
several sums (*and costs and charges of carrying him to the said*
House of Correction, amounting to the further sum of _____),
shall be sooner paid; and for your so doing, this shall be
your sufficient Warrant.

Given under my Hand and Seal, this _____ day of _____
in the year of our Lord _____, at _____, in
the District aforesaid.

J. S. [L. s.]

(O 2.)

(O. 2.)

WARRANT OF COMMITMENT ON AN ORDER IN THE FIRST INSTANCE.

Province of Canada, }
 District of }

To all or any of the Constables and other Peace Officers in the said District of _____, and to the Keeper of the (House of Correction) at _____ in the said District of _____:

Whereas on _____ last past, complaint was made before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District of _____ for that (&c., as in the order) and afterwards, to wit, on the _____ day of _____, at _____, the parties appeared before me the said Justice (or as it may be in the order) and thereupon having considered the matter of the said complaint, I adjudged the said A. B. to pay to the said C. D. the sum of _____, on or before the _____ day of _____ then next, and also to pay to the said C. D. the sum of _____ for his costs in that behalf; and I also thereby adjudged that if the said several sums should not be paid on or before the _____ day of _____ then next, the said A. B. should be imprisoned in the House of Correction at _____ in the said District, (and there to be kept to hard labor) for the space of _____, unless the said several sums (and the costs and charges of conveying the said A. B. to the said House of Correction) should be sooner paid; And whereas the time in and by the said order appointed for the payment of the said several sums of money hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you the said Constables and Peace Officers, or any one of you, to take the said A. B. and him safely to convey to the said (House of Correction,) at _____ aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said (House of Correction,) to receive the said A. B. into your custody in the said (House of Correction,) there to imprison him (and keep him to hard labor) for the space of _____, unless the said several sums (and costs and charges of conveying him to the said House of Correction, amounting to the further sum of _____), shall be sooner paid unto you the said Keeper; and for your so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____ at _____, in the District aforesaid.

J. S. [L. s.]

(Q 1.)

same District,) to the end that such proceedings may be had therein as to law doth appertain.

Given under my Hand and Seal, this day of ,
in the year of our Lord , at , in the
District aforesaid.

J. S. [L. s.]

(Q 2.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE
LAST CASE.

Province of Canada, }
District of }

To all or any of the Constables, or Peace Officers, in the said
District of , and to the Keeper of the (House of Cor-
rection) at in the said District of

Whereas (&c., as in the last form, to the asterisk, * and then
thus: And whereas afterwards, on the day of
 , in the year aforesaid, I, the said Justice,
issued a Warrant to all or any of the Constables or other
Peace Officers of the said District commanding them, or any
one of them to levy the said sum of for costs, by dis-
tress and sale of the goods and chattels of the said C. D.; And
whereas it appears to me, as well by the return to the said
Warrant of Distress of the Constable (or Peace Officer) charged
with the execution of the same, as otherwise, that the said
Constable hath made diligent search for the goods and chattels
of the said C. D., but that no sufficient distress whereon to levy
the sum above mentioned could be found; These are therefore
to command you, the said Constables and Peace Officers, or any
one of you, to take the said C. D. and him safely convey to the
(House of Correction) at aforesaid, and there deliver
him to the Keeper thereof, together with this Precept; and I
hereby command you, the said Keeper of the said (House of
Correction) to receive the said C. D. into your custody in the said
(House of Correction,) there to imprison him (and keep him to
hard labor) for the space of unless the said sum,
and all the costs and charges of the said distress (and of the
commitment and conveying of the said C. D. to the said House
of Correction, amounting to the further sum of ,)
shall be sooner paid up unto you the said Keeper; and for your so
doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this day of ,
in the year of our Lord , at , in the District
aforesaid,

J. S. [L. s.]
(R.)

(R)

CERTIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF AN
APPEAL ARE NOT PAID.

Office of the Clerk of the Peace for the District of

TITLE OF THE APPEAL.

I hereby certify, that at a Court of General Quarter Sessions of the Peace, holden at _____, in and for the said District, on _____ last past, an appeal by A. B. against a conviction (or order) of J. S. Esquire, one of Her Majesty's Justices of the Peace in and for the said District, came on to be tried, and was there heard and determined, and the said Court of General Quarter Sessions thereupon ordered that the said conviction (or order) should be confirmed (or quashed,) and that the said (Appellant) should pay to the said (Respondent) the sum of _____ for his costs incurred by him in the said appeal, and which sum was thereby ordered to be paid to the Clerk of the Peace of the said District on or before the _____ day of _____ instant, to be by him handed over to the said (Respondent,) and I further certify that the said sum for costs has not, nor has any part thereof, been paid in obedience to the said order.

Dated the _____ day of _____, one thousand
eight hundred and _____

G. H.

(Deputy) Clerk of the Peace.

(S 1.)

WARRANT OF DISTRESS FOR COSTS OF AN APPEAL AGAINST A
CONVICTION OR ORDER.

Province of Canada, }
District of _____ }

To all or any of the Constables, or other Peace Officers, in
the said District of

Whereas (S.c., as in the Warrants of Distress, N 1, 2, ante, to the end of the Statement of the Conviction or Order, and then thus): And whereas the said A. B. appealed to the Court of General Quarter Sessions of the Peace for the said District, against the said Conviction or Order, in which appeal the said A. B. was the Appellant, and the said C. D. (or J. S., Esquire, the Justice of the Peace who made the said Conviction or Order) was the Respondent, and which said appeal came on to be tried and was heard and determined at the last General Quarter Sessions

Sessions of the Peace for the said District, holden at
 on _____, and the said Court of General
 Quarter Sessions thereupon ordered that the said Conviction
 (or Order) should be confirmed (or quashed,) and that the
 said (*Appellant*) should pay to the said (*Respondent*) the sum
 of _____ for his costs incurred by him in
 the said appeal, which said sum was to be paid to the Clerk of
 the Peace of the said District, on or before the
 day of _____ one thousand eight hundred _____,
 to be by him handed over to the said C. D.; And whereas
 the (Deputy) Clerk of the Peace of the said district hath on the
 day of _____ instant, duly
 certified that the said sum for costs had not been paid; *
 These are therefore to command you, in Her Majesty's name,
 forthwith to make distress of the goods and chattels of the said
 A. B. and if within the space of _____ days next after the
 making of such distress, the said last mentioned sum, together
 with the reasonable charges of taking and keeping the said
 distress, shall not be paid, that then you do sell the said goods
 and chattels so by you distrained, and do pay the money arising
 from such sale to the Clerk of the Peace for the said District
 of _____, (or to the Clerk of the Special Sessions for
 the said District of _____, or to the Clerk of the Weekly
 Sessions for the said District of _____, or to the Clerk
 of the Justice of the Peace who made such Conviction or
 Order, as the case may be,) that he may pay and apply the
 same as by law directed; and if no such distress can be found,
 then that you certify the same unto me or any other Justice of
 the Peace for the same District, to the end that such proceedings
 may be had therein as to the law doth appertain.

Given under my Hand and Seal, this _____ day of _____,
 in the year of our Lord _____, at _____, in the
 District aforesaid,

J. N. [L. S.]

(S 2.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE
 LAST CASE.

Province of Canada, }
 District of _____ }

To all or any of the Constables, or other Peace Officers, in the
 said District of _____, and to the Keeper of the
 (House of Correction) at _____, in the said District of _____:

Whereas (&c., as in the last form, to the asterisk *, and then
 thus): And whereas, afterwards, on the _____ day of
 _____, in the year aforesaid, I, the undersigned, issued a
 a

a Warrant to all or any of the Constables and other Peace Officers in the said District of _____, commanding them, or any of them, to levy the said sum of _____, for costs, by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, as well by the return to the said Warrant of Distress of the Constable (or Peace Officer), who was charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the said sum above mentioned could be found; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the (House of Correction) at _____ aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; And I do hereby command you, the said Keeper of the said House of Correction to receive the said A. B. into your custody in the said (House of Correction,) there to imprison him (and keep him to hard labor) for the space of _____ unless the said sum and all costs and charges of the said Distress (and of the commitment and conveying of the said A. B. to the said House of Correction, amounting to the further sum of _____) shall be sooner paid unto you, the said Keeper; and for so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. N. [L. s.]

C A P. - X C V I.

An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to persons charged with Indictable Offences.

[30th August, 1851.]

WHEREAS it would conduce much to the improvement Preamble. of the administration of Criminal Justice in Lower Canada, if the several Statutes and parts of Statutes relating to the duties of Her Majesty's Justices of the Peace therein, with respect to persons charged with indictable offences, were consolidated, with such additions and alterations as may be deemed necessary, and that such duties should be clearly defined by positive enactment: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in _____ the _____

For what offence a Justice of the Peace may grant a Warrant or Summons to cause a person charged therewith to be brought before him.

In what cases the party may be summoned instead of issuing a Warrant in the first instance.

If the Summons be not obeyed, then a Warrant may be issued.

Proviso.

Warrant to apprehend a party against whom an indictment is found.

the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all cases where a charge or complaint (A) is made before any one or more of Her Majesty's Justices of the Peace for any District in Lower Canada, that any person has committed, or is suspected to have committed, any treason, felony or other indictable misdemeanor or offence within the limits of the jurisdiction of such Justice or Justices of the Peace, or that any person guilty or suspected to be guilty of having committed any such crime or offence elsewhere out of the jurisdiction of such Justice or Justices, is residing or being, or is suspected to reside or be within the limits of the jurisdiction of such Justice or Justices, then, and in every such case, if the person so charged or complained against shall not then be in custody, it shall be lawful for such Justice or Justices of the Peace to issue his or their Warrant (B) to apprehend such person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same District to answer such charge or complaint and to be further dealt with according to law; Provided always, that in all cases it shall be lawful for such Justice or Justices to whom such charge or complaint shall be preferred, if he or they shall so think fit, instead of issuing in the first instance his or their Warrant to apprehend the person so charged or complained against, to issue his or their Summons (C) directed to such person, requiring him to appear before the said Justice or Justices, at the time and place to be therein mentioned, or before such other Justice or Justices of the same District as may then be there, and if, after being served with such Summons in manner hereinafter mentioned, he shall fail to appear at such time and place, in obedience to such Summons, then, and in every such case, the said Justice or Justices, or any other Justice or Justices of the Peace for the same District, may issue his or their Warrant (D) to apprehend such person so charged or complained against, and cause such person to be brought before him or them, or before some other Justice or Justices of the Peace for the same District, to answer to the said charge or complaint, and to be further dealt with according to law: Provided nevertheless, that nothing herein contained shall prevent any Justice or Justices of the Peace from issuing the Warrant hereinbefore first mentioned, at any time before or after the time mentioned in such Summons for the appearance of the said accused party.

II. And be it enacted, That when any indictment shall be found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or in any Court of General or Quarter Sessions of the Peace, against any person who shall then be at large, and whether such person shall be bound by any Recognizance to appear to answer to any such charge or not, the

the person who shall act as Clerk of the Crown at such Court of Oyer and Terminer or Goal Delivery, or as Clerk of the Peace at such Sessions at which the said indictment shall be found, shall, at any time afterwards after the end of the Sessions of Oyer and Terminer or Goal Delivery, or Sessions of the Peace, at which such indictment shall have been found, upon application of the Prosecutor, or of any person on his behalf, and on payment of a fee of One Shilling, if such person shall not have already appeared and pleaded to such indictment, grant unto such Prosecutor or person a Certificate (F) of such indictment having been found; and upon production of such Certificate to any Justice or Justices of the Peace for the District in which the offence shall in such indictment be alleged to have been committed, or in which the person indicted in and by such indictment shall reside or be, or be supposed or suspected to reside or be, it shall be lawful for such Justice or Justices, and he or they are hereby required to issue his or their Warrant (G) to apprehend such person so indicted, and to cause him to be brought before such Justice or Justices or any other Justice or Justices for the same District, to be dealt with according to law: and afterwards if such person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon oath or affirmation before him or them, that the person so apprehended is the same person who is charged and named in such indictment, shall, without further inquiry or examination, commit (H) him for trial or admit him to bail in manner hereinafter mentioned; or if such person so indicted shall be confined in any gaol or prison for any other offence than that charged in the said indictment at the time of such application and production of such Certificate to such Justice or Justices as aforesaid, it shall be lawful for such Justice or Justices, and he or they are hereby required, upon its being proved before him or them upon oath or affirmation, that the person so indicted and the person so confined in prison are one and the same person, to issue his or their Warrant (I), directed to the Gaoler or Keeper of the gaol or prison in which the person so indicted shall then be confined as aforesaid, commanding him to detain such person in his custody, until, by Her Majesty's Writ of *Habeas Corpus*, he shall be removed therefrom for the purpose of being tried upon the said indictment, or until he shall be otherwise removed or discharged out of his custody by due course of law: Provided always, that nothing herein contained shall prevent or be construed to prevent the issuing or execution of Bench Warrants, whenever any Court of competent jurisdiction may think proper to order the issuing of any such Warrant.

If person indicted be already in prison for some other offence, Justice may order him to be detained until removed by Writ of *Habeas Corpus*.

III. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace to grant or issue any Warrant as aforesaid, or any Search Warrant, on a Sunday as well as on any other day.

Justices may issue Warrants on Sundays.

When charge is made if a Warrant is to be issued, information, &c., upon oath, &c.

If Summons to be issued instead, informations, &c. not to be on oath.

No objection allowed for alleged defect in form or substance.

Upon complaint being laid, Justices receiving the same may issue Summons or Warrant for appearance of person charged.

How Summons to be served.

IV. And be it enacted, That in all cases when a charge or complaint for any indictable offence shall be made before such Justice or Justices aforesaid, if it be intended to issue a Warrant in the first instance against such party or parties so charged, an information and complaint thereof (A) in writing, on the oath or affirmation of the informant, or of some witness or witnesses in that behalf, shall be laid before such Justice or Justices: Provided always, that in all cases when it is intended to issue a Summons instead of a Warrant in the first instance, it shall not be necessary that such information and complaint shall be in writing, or be sworn to or affirmed in manner aforesaid; but in every such case such information and complaint may be by parol merely, and without any oath or affirmation whatsoever to support or substantiate the same: Provided also, that no objection shall be taken or allowed to any such information or complaint for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who shall take the examination of the witnesses on that behalf as hereinafter mentioned; and if any credible Witness shall prove upon oath (E. 1) before a Justice of the Peace, that there is reasonable cause to suspect that any property whatsoever, on or with respect to which any larceny or felony shall have been committed, is in any dwelling house, out-house, garden, yard, croft or other place or places, the Justice may grant a Warrant (E. 2) to search such dwelling house, garden, yard, croft or other place or places, for such property.

V. And be it enacted, That upon such Information and complaint being so laid as aforesaid, the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their Summons or Warrant respectively as hereinbefore directed, to cause the person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace for the same District, to be dealt with according to law: and every such Summons (C) shall be directed to the party so charged in and by such information, and shall state shortly the matter of such information, and shall require the party to whom it is directed to be and appear at a certain time and place therein mentioned, before the Justice who shall issue such Summons, or before such other Justice or Justices of the Peace for the same Division as may then be there, to answer to the said charge, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other Peace Officer upon the person to whom it is so directed, by delivering the same to the party personally, or, if he cannot conveniently be met with, then by leaving the same for him with some person at his last or most usual place of abode; and the Constable or other Peace Officer who shall have served the same in manner aforesaid, shall attend at the time and place, and before the Justices in the said Summons mentioned,

mentioned, to depose, if necessary, to the service of such Summons; and if the person so served shall not be and appear before such Justice or Justices, at the time and place mentioned in such Summons, in obedience to the same, then it shall be lawful for such Justice or Justices, to issue his or their Warrant (D) for apprehending the party so summoned, and bringing him before such Justice or Justices, or before some other Justice or Justices for the same District, to answer the charge in the said information and complaint mentioned, and to be further dealt with according to law: Provided always, that no objection shall be taken or allowed to any such Summons or Warrant for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the Prosecutor before the Justice or Justices who shall take the examination of the Witnesses in that behalf as hereinafter mentioned; but if any such variance shall appear to such Justice or Justices to be such that the party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the party so charged, to adjourn the hearing of the case to some future day, and, in the mean time, to remand the party so charged, or admit him to bail in manner hereinafter mentioned.

If party summoned do not attend, Justice may issue a Warrant to compel attendance.

No objection allowed for alleged defect in form or substance.

VI. And be it enacted, That every Warrant (B) hereafter to be issued by any Justice or Justices of the Peace to apprehend any person charged with any indictable offence, shall be under the Hand and Seal, or Hands and Seals, of the Justice or Justices issuing the same, and may be directed to all or any of the Constables or other Peace Officers of the District within which the same is to be executed, or to such Constable and all other Constables or Peace Officers in the District within which the Justice or Justices issuing the same has or have jurisdiction, or generally to all the Constables or Peace Officers within such last mentioned District; and it shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender; and it shall order the person or persons to whom it is directed to apprehend the offender, and bring him before the Justice or Justices issuing such Warrant, or before some other Justice or Justices of the Peace for the same District, to answer to the charge contained in the said information, and to be further dealt with according to law; and it shall not be necessary to make such Warrant returnable at any particular time, but the same may remain in force until it shall be executed; and such Warrant may be executed by apprehending the offender at any place within the District within which the Justice or Justices issuing the same shall have jurisdiction, or, in case of fresh pursuit, at any place in the next adjoining District, and within seven miles of the border of such first mentioned District, without having such Warrant backed, as hereinafter mentioned; and in all cases where such Warrant shall be directed to all Constables or other Peace Officers within the District within which such Justice or Justices shall

Warrant to apprehend parties under the hand and seal of Justice.

How Warrant to be directed, and to whom.

How and where Warrant may be executed.

No objection allowed for alleged defect in form or substance.

shall have jurisdiction, it shall be lawful for any Constable or other Peace Officer for any place within such District to execute the said Warrant at any place within the jurisdiction for which the said Justice or Justices shall have acted when he or they granted such Warrant, in like manner as if such Warrant were directed specially to such Constable by name, and notwithstanding the place within which such Warrant shall be executed shall not be within the place for which he shall be Constable or Peace Officer; Provided always, that no objection shall be taken or allowed to any such Warrant for any defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who shall take the examination of the witnesses in that behalf as hereinafter mentioned; but if any such variance shall appear to any such Justice or Justices to be such that the party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the party so charged, to adjourn the hearing of the case to some future day, and in the mean time to remand the party so charged, or to admit him to bail in manner hereinafter mentioned.

Regulations as to the backing of Warrants.

VII. And be it enacted, That if the person against whom any such Warrant shall be issued, as aforesaid, shall not be found within the jurisdiction of the Justice or Justices by whom the same shall be issued, or if he shall escape, go into, reside or be, or be supposed or suspected to be in any place within this Province, whether in Upper or in Lower Canada out of the jurisdiction of the Justice or Justices issuing such Warrant, it shall and may be lawful for any Justice of the Peace within the jurisdiction of whom such person shall so escape or go, or in which he shall reside or be, or be supposed or suspected to be, upon proof alone being made on oath of the hand-writing of the Justice issuing the same, and without any security being given, to make an endorsement (K) on such Warrant, signed with his name, authorizing the execution of such Warrant within the jurisdiction of the Justice making such endorsement, and which endorsement shall be sufficient authority to the person bringing such Warrant, and to all other persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the District where such Warrant shall be so endorsed, to execute the same in such other District, and to carry the person against whom such Warrant shall have issued, when apprehended, before the Justice or Justices of the Peace who first issued the said Warrant, or before some other Justice or Justices of the Peace for the same District, or before some Justice or Justices of the District where the offence in the said Warrant mentioned appears therein to have been committed: Provided always, that if the Prosecutor or any of the Witnesses upon the part of the prosecution shall then be in the District, County, Division, Riding, City, Town or Place where such person shall

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shall have been so apprehended, the Constable, or other person or persons who shall have so apprehended such person, may, if so directed by the Justice backing such Warrant, take and convey him before the Justice who shall have so backed the said Warrant, or before some other Justice or Justices for the same District, County, Division, Riding, City, Town or Place; and the said Justice or Justices may thereupon take the examination of such Prosecutor or Witnesses, and proceed in every respect in manner hereinafter directed with respect to persons charged before a Justice or Justices of the Peace, with an offence alleged to have been committed in another District than that in which such persons have been apprehended.

VIII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence for the prosecution, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the examination of the witnesses against the accused, such Justice may and is hereby required to issue his Summons (L 1) to such person under his Hand and Seal, requiring him to be and appear at a time and place mentioned in such Summons, before the said Justice, or before such other Justice or Justices of the Peace for the same District as shall then be there, to testify what he shall know concerning the charge made against such accused party; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such Summons having been served upon such person, either personally or with some person for him at his last or most usual place of abode,) it shall be lawful for such Justice or Justices before whom such person should have appeared, to issue a Warrant (L 2) under his or their Hands and Seals, to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same District as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by evidence upon oath or affirmation that it is probable that such person will not attend to give evidence unless compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (L 3) in the first instance, and which, if necessary, may be backed as aforesaid, and if on the appearance of such person so summoned before the said last mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue

Power to Justice to summon witnesses to attend and give evidence.

If Summons not obeyed, Warrant may be issued to compel attendance.

In certain cases Warrant may be issued in the first instance.

Persons appearing on Summons and refusing to be examined, may be committed.

of the said Warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him, without giving any just excuse for such refusal, any Justice of the Peace then present and having there jurisdiction, may, by Warrant (L 4) under his Hand and Seal, commit the person so refusing to the Common Gaol or House of Correction for the District where such person so refusing shall then be, there to remain and be imprisoned for any time not exceeding ten days, unless he shall in the mean time consent to be examined and to answer concerning the premises.

As to the examination of witnesses.

IX. And be it enacted, That in all cases where any person shall appear or be brought before any Justice or Justices of the Peace charged with any indictable offence, whether committed in this Province or upon the high seas, or on land beyond the sea, or whether such person appear voluntarily upon Summons or have been apprehended, with or without Warrant, or be in custody for the same or any other offence, such Justice or Justices before he or they shall commit such accused person to prison for trial, or before he or they shall admit him to bail, shall in the presence of such accused person, who shall be at liberty to put questions to any witness produced against him, take the statement (M) on oath or affirmation of those who shall know the facts and circumstances of the case, and shall put the same in writing, and such depositions shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such witness shall appear to be examined as aforesaid, shall, before such witness is examined, administer to such witness the usual oath or affirmation, which such Justice or Justices shall have full power and authority to do; and if upon the trial of the person so accused as first aforesaid, it shall be proved upon the oath or affirmation of any credible witness, that any person whose deposition shall have been taken as aforesaid is dead, or is so ill as not to be able to travel, and if also it be proved that such deposition was taken in presence of the person so accused, and that he had a full opportunity of cross-examining the witness, then if such deposition purports to be by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence in such prosecution without further proof thereof, unless it shall be proved that such deposition was not in fact signed by the Justice purporting to sign the same.

Justice to administer oath or affirmation.

Depositions of persons who have died or who are absent may in certain cases be read in evidence.

After examination of the accused, Justice to read depositions taken against

X. And be it enacted, That after the examinations of all the witnesses on the part of the prosecution as aforesaid shall have been completed, the Justice of the Peace, or one of the Justices by or before whom such examination shall have been so completed

completed as aforesaid, shall, without requiring the attendance of the witnesses, read or cause to be read to the accused the depositions taken against him, and shall say to him these words, or taken to the like effect: "Having heard the evidence, do you wish to say any thing in answer to the charge?" "You are not obliged to say any thing unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial." And whatever the prisoner shall then say in answer thereto shall be taken down in writing (N) and read over to him, and shall be signed by the said Justice or Justices, and kept with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned; and afterwards, upon the trial of the said accused person, the same may, if necessary, be given in evidence against him without further proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same: *Provided* always, that the said Justice or Justices, before such accused person shall make any statement, shall state to him and give him clearly to understand that he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall then say may be given in evidence against him upon his trial, notwithstanding such promise or threat: *Provided* nevertheless, that nothing herein contained or enacted shall prevent the prosecutor in any case from giving in evidence any admission or confession, or other statement of the person accused or charged, made at any time which by law would be admissible as evidence against such person.

him, and caution him as to any statement he may make.

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Proviso.

XI. And be it declared and enacted, That the room or building in which such Justice or Justices shall take such examination and statement as aforesaid, shall not be deemed an open Court for that purpose; and it shall be lawful for such Justice or Justices, in his or their discretion, to order that no person shall have access to or be or remain in such room or building without the consent or permission of such Justice or Justices, if it appear to him or them that the ends of Justice will be best answered by so doing.

Place where examination taken, not an open Court, and no person to remain without consent.

XII. And be it enacted, That it shall be lawful for any such Justice or Justices before whom any such witness shall be examined as aforesaid, to bind by Recognizance (O 1) the Prosecutor, and every such witness, to appear at the next Court of competent Criminal Jurisdiction at which the accused is to be tried, then and there to prosecute or prosecute and give evidence, or to give evidence, as the case may be, against the party accused, which said Recognizance shall particularly specify the profession, art, mystery or trade of every such person entering into or acknowledging the same, together with his Christian and surname, and the parish, township or place of his

Power to Justices to bind over the prosecutors and witnesses by Recognizances.

his residence, and if his residence be in a City, Town or Borough, the Recognizance shall also particularly specify the name of the street and the number (if any) of the house in which he resides, and whether he is owner or tenant thereof, or lodger therein; and the said Recognizance, being duly acknowledged by the person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a notice (O 2) thereof, signed by the said Justice or Justices, shall at the same time be given to the person bound thereby; and the several Recognizances so taken, together with the written information (if any), the depositions, the statement of the accused, and the Recognizance of Bail (if any) in every such case shall be delivered by the said Justice or Justices, or he or they shall cause the same to be delivered to the proper Officer of the Court in which the trial is to be had, before or at the opening of the said Court on the first day of the sitting thereof, or at such other time as the Judge, Justice or person who is to preside at such Court at the said trial shall order and appoint; Provided always, that if any such witness shall refuse to enter into or acknowledge such Recognizance as aforesaid, it shall be lawful for the Justice or Justices of the Peace by his or their Warrant (P 1) to commit him to the Common Gaol or House of Correction for the District in which the accused party is to be tried, there to be imprisoned and safely kept until after the trial of such accused party, unless in the mean time such witness shall duly enter into such Recognizance as aforesaid before some one Justice of the Peace for the District in which such Gaol or House of Correction shall be situate: Provided nevertheless, that if afterwards, for want of sufficient evidence in that behalf, or other cause, the Justice or Justices before whom such accused party shall have been brought shall not commit him or hold him to bail for the offence with which he is charged, it shall be lawful for such Justice or Justices, or for any other Justice or Justices for the same District, by his or their Order (P 2) in that behalf, to order and direct the Keeper of such Common Gaol or House of Correction where such witnesses shall be so in custody, to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

Recognizance, Depositions, &c. to be transmitted to the Court in which the trial is to be had.

Witnesses refusing to enter into Recognizance may be committed.

Proviso.

Sic.

Power to Justice to remand the accused from time to time, not exceeding eight days, by Warrant.

XIII. And be it enacted, That if from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination or further examination of the witnesses for any time, it shall be lawful to and for the Justice or Justices before whom the accused shall appear or be brought, by his or their Warrant (Q 1) from time to time to remand the party accused for such time as by such Justice or Justices in their discretion shall be deemed reasonable, not exceeding eight clear days at any one time, to the Common Gaol or House of Correction or other Prison, Lock-up House, or place of security in the District for which such Justice or Justices

Justices shall then be acting; or if the remand be for a time not exceeding three clear days, it shall be lawful for such Justice or Justices verbally to order the Constable, or other person in whose custody such party accused may then be, or any other Constable or person to be named by the said Justice or Justices in that behalf, to continue or keep such party accused in his custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the time appointed for continuing such examination: Provided always, that any such Justice or Justices may order such accused party to be brought before him or them, or before any other Justice or Justices of the Peace for the same District, at any time before the expiration of the time for which such party shall be remanded, and the Gaoler or Officer in whose custody he shall then be shall duly obey such order: Provided also, that instead of detaining the said accused party in custody during the period for which such accused party shall be so remanded, any one Justice of the Peace before whom such party shall so appear or be brought as aforesaid, may discharge him, upon his entering into a Recognizance (Q 2, 3,) with or without a Surety or Sureties, at the discretion of such Justice, conditioned for his appearance at the time and place appointed for the continuance of such examination; and if such accused party shall not afterwards appear at the time and place mentioned in such Recognizance, then the said Justice, or any other Justice of the Peace who may then and there be present, upon certifying (Q 4) upon the back of the Recognizance the non-appearance of such accused party, may transmit such Recognizance to the Clerk of the Peace for the District within which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed *prima facie* evidence of such non-appearance of the said accused party.

If remand be for three days only, by verbal order.

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Party accused may be admitted to bail on the examination being adjourned.

If party does not appear upon Recognizance, Justice may transmit the same to the Clerk of the Peace.

XIV. And whereas it often happens that a person is charged before a Justice of the Peace with an offence alleged to have been committed in another District than that in which such person has been apprehended, or in which such Justice has jurisdiction, and it is necessary to make provision as to the manner of taking the examination of the witnesses, and of committing the party accused or admitting him to bail in such a case: Be it therefore enacted, That whenever a person shall appear or be brought before a Justice or Justices of the Peace in the District wherein such Justice or Justices shall have jurisdiction, charged with an offence alleged to have been committed by him within any District wherein such Justice or Justices shall not have jurisdiction, it shall be lawful for such Justice or Justices, and he or they are hereby required to examine such witnesses, and receive such evidence in proof of the said charge as shall be produced before him or them within his or their jurisdiction; and if in his or their

If a person be apprehended in one District on charge of an offence committed in another, he may be examined in the former;

And, if evidence be

deemed sufficient, may be committed to prison ;

If insufficient, to be brought before some Justice in the latter District.

As to payment of expenses of conveying the accused into the proper District.

their opinion such testimony and evidence shall be sufficient proof of the charge made against such accused party, such Justice or Justices shall thereupon commit him to the Common Gaol or House of Correction, for the District where the offence is alleged to have been committed, or shall admit him to bail as hereinafter mentioned; and shall bind over the prosecutor (if he have appeared before him or them) and the witnesses, by Recognizance accordingly as hereinbefore mentioned; but if such testimony and evidence shall not, in the opinion of such Justice or Justices be sufficient to put the accused party upon his trial for the offence with which he is so charged, then such Justice or Justices shall bind over such witness or witnesses as he shall have examined by Recognizance to give evidence as hereinbefore is mentioned; and such Justice or Justices shall, by Warrant (R 1) under his or their Hand and Seal, or Hands and Seals, order the said accused party to be taken before some Justice or Justices of the Peace in and for the District where the offence is alleged to have been committed, and shall at the same time deliver up the Information and Complaint, and also the Depositions and Recognizances so taken by him or them to the Constable who shall have the execution of such last mentioned Warrant, to be by him delivered to the Justice or Justices before whom he shall take the accused, in obedience to the said Warrant, and which said Depositions and Recognizances shall be deemed to be taken in the case, and shall be treated to all intents and purposes as if they had been taken by or before the said last mentioned Justice or Justices, and shall, together with such Depositions and Recognizances as such last mentioned Justice or Justices shall take in the matter of such charge against the said accused party, be transmitted to the Clerk of the Court where the said accused party is to be tried, in the manner and at the time hereinbefore mentioned, if such accused party shall be committed for trial upon the said charge, or shall be admitted to bail; and in case such accused party shall be taken before the Justice or Justices last aforesaid, by virtue of the said last mentioned Warrant, the Constable, or other person or persons to whom the said Warrant shall have been directed, and who shall have conveyed such accused party before such last mentioned Justice or Justices, shall be entitled to be paid his costs and expenses of conveying the said accused party before the said Justice or Justices; and upon the said Constable or other person producing the said accused party before such Justice or Justices, and delivering him into the custody of such person as the said Justice or Justices shall direct or name in that behalf, and upon the said Constable delivering to the said Justice or Justices the Warrant, Information (if any) Depositions and Recognizances aforesaid, and proving by oath the hand-writing of the Justice or Justices who shall have subscribed the same, such Justice or Justices before whom the said accused party is produced shall thereupon furnish such Constable with a Receipt or Certificate

(R 2) of his or their having received from him the body of the said accused party, together with the said Warrant, Information (if any), Depositions and Recognizances, and of his having proved to him or them, upon oath, the hand-writing of the Justice who shall have issued the said Warrant; and the said Constable, on producing such Receipt or Certificate to the Sheriff of the District in which such accused party was apprehended, will be entitled to be paid all his reasonable charges, costs and expenses of conveying such accused party into such other District, and of returning from the same.

XV. And be it enacted, That when any person shall have appeared before any Justice of the Peace charged with any felony or on suspicion of felony, it shall be lawful for such Justice jointly with some other Justice of the Peace to admit such person to bail upon his procuring and producing such surety or sureties as in the opinion of such two Justices will be sufficient to ensure the appearance of such person so charged, at the time and place when and where he is to be tried for such offence; and thereupon such two Justices shall take the Recognizance (S 1, 2,) of the said accused person and his surety or sureties, conditioned for the appearance of such accused person at the time and place of trial, and that he will then surrender and take his trial and not depart the Court without leave; Provided always, that when the offence committed or suspected to have been committed is a misdemeanor, any one Justice may admit to bail in manner aforesaid; and such Justice or Justices may at their discretion require that such bail should justify upon oath as to their sufficiency, which oath the said Justice or Justices is and are hereby authorized to administer; Provided also, nevertheless, that no Justice or Justices of the Peace, shall admit any person to bail for treason, nor shall any such person be admitted to bail, except by order of Her Majesty's Court of Queen's Bench, or one of the Judges thereof in vacation.

Power to any two Justices to bail persons charged with felony, or on suspicion of felony.

In cases of misdemeanor, one Justice may bail.

No bail in cases of treason, but by order of a Judge of Q. B.

XVI. And be it enacted, That in all cases where a Justice or Justices of the Peace shall admit to bail any person who shall then be in any prison charged with the offence for which he shall be so admitted to bail, such Justice or Justices shall send to or cause to be lodged with the Keeper of such Prison, a Warrant of Deliverance (S 3,) under his or their Hand and Seal or Hands and Seals, requiring the said Keeper to discharge the person so admitted to bail if he be detained for no other offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper, he shall forthwith obey the same.

When a Justice admits a person to bail after a commitment, a Writ of Deliverance shall be sent by him, &c.

XVII. And be it enacted, That when all the evidence offered upon the part of the prosecution against the accused party shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that it is not sufficient to put such accused party upon his trial for any indictable offence, such Justice or Justices shall forthwith order such accused party,

If the evidence be not thought sufficient to Warrant commitment, accused shall be discharged; if but if it be

considered sufficient, Justice shall by Warrant commit the accused for trial.

if in custody, to be discharged as to the Information then under inquiry, but if in the opinion of such Justice or Justices such evidence is sufficient to put the accused party upon his trial for an indictable offence, or if the evidence given raise a strong or probable presumption of the guilt of such accused party, then such Justice or Justices shall by his or their warrant (T 1.) commit him to the Common Gaol or House of Correction for the District to which by Law he may now be committed, or in the case of an indictable offence committed on the High Seas or on land beyond the Sea, to the Common Gaol of the District within which such Justice or Justices shall have jurisdiction, to be there safely kept until he shall be thence delivered by due course of Law, or admit him to Bail as hereinbefore mentioned.

Regulations for conveying prisoners to gaol.

XVIII. And be it enacted, That the Constable or any of the Constables, or other persons to whom any Warrant of Commitment shall be directed, authorized by this or any other Act, shall convey such accused person therein named or described to the Gaol or other Prison mentioned in such Warrant, and there deliver him, together with such Warrant, to the Gaoler, Keeper or Governor of such Gaol or Prison, who shall thereupon give such Constable or other person so delivering such prisoner into his custody a Receipt (T 2.) for such prisoner, setting forth the state and condition in which such prisoner was when he was delivered into the custody of such Gaoler, Keeper or Governor; and in all cases where such Constable or other person shall be entitled to his costs or expenses for conveying such person to such prison as aforesaid, it shall be lawful for the Justice or Justices who shall have committed the accused party, or for any Justice of the Peace in and for the said District wherein the offence is alleged in the said Warrant to have been committed, to ascertain the sum which ought to be paid to such Constable or other person for arresting and conveying such prisoner to such Gaol or Prison, and also the sum which should reasonably be allowed him for his expenses in returning, and thereupon such Justice shall make an Order (T 2) upon the Sheriff for the District within which the offence is alleged to have been committed, for payment to such Constable or other person of the sums so ascertained to be payable to him in that behalf; and the said Sheriff, upon such Order being produced to him, shall pay the amount thereof to such Constable or other person producing the same, or to any person who shall produce the same to him for payment.

As to payment of costs of conveying prisoners to prisons.

After examinations are completed, defendant entitled to copies of the depositions.

XIX. And be it enacted, That at any time after all the examinations aforesaid shall have been completed, and before the first day of the Sessions, or other first sitting of the Court at which any person so committed to prison or admitted to bail as aforesaid is to be tried, such person may require and shall be entitled to have, from the Officer or person having the custody

custody of the same, copies of the depositions on which he shall have been committed or bailed, on payment of a reasonable sum for the same, not exceeding at the rate of Three Pence for each folio of one hundred words.

XX. And be it enacted, That the several forms in the Schedule to this Act contained, or forms to the like effect, shall be good, valid and sufficient in law. Forms in Schedule valid.

XXI. And be it enacted, That any Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate, appointed or to be appointed for any City, Borough, Town, Place or District, shall have full power to do alone whatever is authorized by this Act to be done by any two or more Justices of the Peace, and that the several forms in the Schedule to this Act annexed, may be varied so far as it may be necessary to render them applicable to such Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate aforesaid. Inspectors and Superintendent of Police, Police Magistrate or Stipendiary Magistrate, may act alone.

XXII. And be it enacted, That from and after the day on which this Act shall commence to take effect, all other Acts or parts of Acts which are contrary to or inconsistent with the provisions of this Act, be and the same are hereby repealed. Inconsistent enactments repealed.

XXIII. And be it enacted, That this Act shall apply only to Lower Canada, except in so far as any provision thereof is expressly extended to Upper Canada, or to any act to be done there. This Act to apply to Lower Canada only, except, &c.

XXIV. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-two, and not before. Commencement of this Act.

SCHEDULES

(A)

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Province of Canada, }
District of }

The information and complaint of C. D. of
(yeoman), taken this day of , in the year
of our Lord before the undersigned, (one) of Her
Majesty's Justices of the Peace in and for the said District
of , who saith that (&c., stating
the offence).

Sworn before (me), the day and year first above mentioned,
at

J. S.

(B)

(B)

WARRANT TO APPREHEND A PERSON CHARGED WITH AN
INDICTABLE OFFENCE.

Province of Canada, }
District of } }

To all or any of the Constables or other Peace Officers in the
District of

Whereas A. B., of , (laborer), hath this day
been charged upon oath before the undersigned, (one) of Her
Majesty's Justices of the Peace in and for the said District of
, for that he, on , at , did
(*&c.*, stating shortly the offence); These are therefore to command
you, in Her Majesty's name, forthwith to apprehend the said
A. B., and to bring him before (me) or some other of Her
Majesty's Justices of the Peace in and for the said District, to
answer unto the said charge, and to be further dealt with ac-
cording to law.

Given under (my) Hand and Seal, this day
of at , in the District aforesaid.

J. S. [L. s.]

(C)

SUMMONS TO A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Province of Canada, }
District of } }

To A. B. of , (laborer):

Whereas you have this day been charged before the under-
signed (one) of Her Majesty's Justices of the Peace in and for
the said District of , for that you on , at ,
(*&c.*, stating shortly the offence); These are therefore to com-
mand you, in Her Majesty's name, to be and appear before (me)
on , at o'clock in the (fore) noon,
at , or before such other Justice or Justices of the
Peace for the same District as may then be there, to answer to
the said charge, and to be further dealt with according to law.
Herein fail not.

Given under (my) Hand and Seal, this day of
in the year of our Lord , at , in
the District aforesaid.

J. S. [L. s.]

(D.)

(D.)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Province of Canada, }
 District of }

To all or any of the Constables, or other Peace Officers, in the said District of

Whereas on the _____ day of _____ (*instant, or last past*) A. B. of the _____, was charged before me or us, the undersigned, (*or name of the Magistrate, as the case may be*) (*one*) of Her Majesty's Justices of the Peace, in and for the said District of _____, for that (*&c. as in the Summons*); And whereas (I, we, he the said Justice of the Peace, or they the said Justices of the Peace) then issued (my, our, his or their) Summons to the said A. B. commanding him, in Her Majesty's name, to be and appear before (*me*) on _____ at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the Peace as should then be there, to answer to the said charge, and to be further dealt with according to law; And whereas the said A. B. hath neglected to be or appear at the time and place appointed in and by the said Summons although it hath now been proved to me upon oath that the said Summons was duly served upon the said A. B.; These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (*me*) or some other of Her Majesty's Justices of the Peace in and for the said District, to answer the said charge, and to be further dealt with according to law.

Given under (*my*) Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____ in the District aforesaid.

J. S. [L. s.]

(E 1.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Province of Canada, }
 District of }

The information of A. B. of the _____, of _____ in the said District (*yeoman*), taken this _____ day of _____, in the year of our Lord _____, before me, W. S., Esquire, one of Her Majesty's Justices of the Peace, in and for the District of _____, who saith that on the _____ day of _____ (*insert description of articles stolen,*) of the goods and chattels of Deponent, were feloniously stolen, taken and

and carried away, from and out of the (*Dwelling House*) of this Deponent, at the *Parish, &c.*) aforesaid, by (some person or persons unknown, *or name the person,*) and that he hath just and reasonable cause to suspect, and doth suspect that the said goods and chattels, or some part of them, are concealed in the (*Dwelling House, &c., of C. D.*) of _____, in the said District (*here add the causes of suspicion, whatever they may be*): Wherefore, prays that a Search Warrant may be granted to him to search (*the Dwelling House, &c.,*) of the said C. D. as aforesaid, for the said goods and chattels so feloniously stolen, taken and carried away as aforesaid.

Sworn before me the day and year first above mentioned,
at _____

W. S.

J. P.

(E 2.)

SEARCH WARRANT.

Province of Canada, }
District of _____ }

To all or any of the Constables, or other Peace Officers, in the District of _____

Whereas A. B. of the _____, of _____, in the said District, hath this day made oath before me the undersigned, one of Her Majesty's Justices of the Peace, in and for the said District of _____, that on the _____ day of _____ (*copy information as far as place of supposed concealment*): These are therefore in the name of our Sovereign Lady the Queen, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the said (*Dwelling House, &c., of the said, &c.*) and there diligently search for the said goods and chattels, and if the same or any part thereof shall be found upon such search, that you bring the goods so found, and also the body of the said C. D. before me, or some other Justice of the Peace, in and for the said District, to be disposed of and dealt with according to law.

Sworn under my Hand and Seal, at _____, in the said District, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____

W. R. J. P. (Seal.)

(F.)

(F.)

CERTIFICATE OF INDICTMENT BEING FOUND:

I hereby certify that at a Court of (Oyer and Terminer, or General Gaol Delivery, or General Sessions of the Peace) holden in and for the District of _____, at _____, in the said District, on _____, a Bill of Indictment was found by the Grand Jury against A. B., therein described as A. B. late of _____, (laborer,) for that he (&c., stating shortly the offence,) and that the said A. B. hath not appeared or pleaded to the said indictment.

Dated this _____, day of _____ one thousand eight hundred and _____

Clerk of the Crown at, *the name of the Court.*

or

Clerk of the Peace of and for the said District.

(G.)

WARRANT TO APPREHEND A PERSON INDICTED.

Province of Canada, }
District of _____ }

To all or any of the Constables, or other Peace Officers, in the said District of _____

Whereas it hath been duly certified by J. D., Clerk of the Crown at (*name the Court*) or Clerk of the Peace, in and for the District of _____ that (&c., stating the certificate); These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (me), or some other Justice or Justices of the Peace in and for the said District, to be dealt with according to law.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(H.)

WARRANT OF COMMITMENT OF A PERSON INDICTED.

Province of Canada, }
District of }

To all or any of the Constables, or other Peace Officers in the said District of _____ and to the Keeper of the (Common Gaol or House of Correction,) at _____, in the said District of _____:

Whereas by a Warrant under the Hand and Seal of _____, (one) of Her Majesty's Justices of the Peace in and for the said District of _____ under (_____) Hand and Seal, dated the day of _____, after reciting that it had been certified by J. D. (*ſc. as in the certificate.*) (_____) the said Justice of the Peace commanded all or any of the Constables, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (*me*) the said Justice of the Peace in and for the said District, or before some other Justice or Justices in and for the said District, to be dealt with according to law; And whereas the said A. B. hath been apprehended under and by virtue of the said Warrant, and being now brought before (*me*) it is hereupon duly proved to (*me*) upon oath that the said A. B. is the same person who is named and charged by _____, in the said indictment; These are therefore to command you the said Constables and Peace Officers, or any of you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said (House of Correction,) at _____, in the said District, and there to deliver him to the Keeper thereof, together with this Precept; and (I) hereby command you the said Keeper to receive the said A. B. into your custody in the said (House of Correction,) and him there safely to keep until he shall thence be delivered by due course of law.

Given under (*my*) Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(I)

WARRANT TO DETAIN A PERSON INDICTED, WHO IS ALREADY IN CUSTODY FOR ANOTHER OFFENCE.

Province of Canada, }
District of }

To the Keeper of the (Common Gaol or House or Correction) at _____ in the said District of _____:

Whereas it hath been duly certified by J. D., Clerk of the Crown at (*name the Court*) or Clerk of the Peace of and for the District _____

District of _____ that (&c. stating the Certificate) ; And
 whereas (I am) informed that the said A. B. is in your custody
 in the said (Common Gaol) at _____ aforesaid, charged with
 some offence, or other matter ; and it being now duly proved
 upon oath before (me) that the said A. B. so indicted as afore-
 said, and the said A. B., in your custody as aforesaid, are one
 and the same person ; These are therefore to command you,
 in Her Majesty's name, to detain the said A. B. in your custody
 in the said (Common Gaol) aforesaid, until by Her Majesty's
 Writ of *Habeas Corpus* he shall be removed therefrom for the
 purpose of being tried upon the said indictment, or until he
 shall otherwise be removed or discharged out of your custody
 by due course of law.

Given under (my) Hand and Seal, this
 day of _____, in the year of our Lord
 at _____, in the District aforesaid.

J. S. [L. s.]

(K)

ENDORSEMENT IN BACKING A WARRANT.

Province of Canada, }
 District of _____ }

Whereas proof upon oath hath this day been made before
 me, one of Her Majesty's Justices of the Peace in and for the
 said District of _____, that the name of J. S., to the within
 Warrant subscribed, is of the hand-writing of the Justice of the
 Peace within mentioned ; I do therefore hereby authorize W.
 T. who bringeth to me this Warrant, and all other persons to
 whom this Warrant was originally directed, or by whom it
 may be lawfully executed, and also all Constables and other
 Peace Officers of the said District of _____, to execute the
 same within the said last mentioned District.

Given under my Hand, this _____ day of _____, in the
 year of our Lord _____, at _____, in the District
 aforesaid.

J. L.

(L 1.)

SUMMONS TO A WITNESS.

Province of Canada, }
 District of _____ }

To E. F. of _____, (laborer,) :

Whereas information hath been laid before the undersigned,
 one of Her Majesty's Justices of the Peace in and for the said
 District

District of _____, that A. B. (*&c.*, as in the Summons or Warrant against the accused,) and it hath been made to appear to me upon (*oath*), that you are likely to give material evidence for the (*prosecution*); These are therefore to require you to be and to appear before me on _____ next, at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the Peace for the same District as may then be there, to testify what you shall know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(L 2.)

WARRANT WHEN A WITNESS HAS NOT OBEYED A SUMMONS.

Province of Canada, }
District of _____ }

To all or any of the Constables, or other Peace-Officers, in the said District of _____

Whereas information having been laid before _____ (one) of Her Majesty's Justices of the Peace in and for the said District of _____, that A. B., (*&c.*, as in the Summons); And it having been made to appear to (*me*) upon oath that E. F. of _____, (*laborer*), was likely to give material evidence for the prosecution, (*I*) did duly issue (*my*) Summons to the said E. F., requiring him to be and appear before (*me*) on _____; at _____, or before such other Justice or Justices of the Peace for the same District as might then be there, to testify what he should know respecting the said charge so made against the said A. B. as aforesaid; And whereas proof hath this day been made upon oath before (*me*) of such Summons having been duly served upon the said E. F.; And whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to bring and have the said E. F. before (*me*) on _____ at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the Peace for the same District as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under (*my*) Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(L 3.)

(L. 3.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Province of Canada, }
 District of }

To all or any of the Constables or Peace Officers in the said District of

Whereas information has been laid before the undersigned (*one*) of Her Majesty's Justices of the Peace, in and for the said District of , that (*&c., as in the Summons*); and it having been made to appear to (*me*) upon oath, that E. F. of , (*laborer*), is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence unless compelled so to do; These are therefore to command you to bring and have the said E. F. before (*me*) on , at o'clock in the(*fore*) noon, at , or before such other Justice or Justices of the Peace for the same District as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under my Hand and Seal, this day of , in the year of our Lord , at in the District aforesaid.

J. S. [L. s.]

(L. 4.)

WARRANT OF COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN, OR TO GIVE EVIDENCE.

Province of Canada, }
 District of }

To all or any of the Constables or other Peace Officers in the District of and to the Keeper of the (House of Correction) at , in the said District of

Whereas A. B. was lately charged before (*one*) of Her Majesty's Justices of the Peace in and for the said District of , for that (*&c. as in the Summons*); And it having been made to appear to (*me*) upon oath that E. F. of , was likely to give material evidence for the prosecution, (*I*) duly issued (*my*) Summons to the said E. F. requiring him to be and appear before me on , at , or before such other Justice or Justices of the Peace for the same District as should then be there, to testify what he should know concerning the said charge so made against

against the said A. B. as aforesaid ; And the said E. F. now appearing before *(me)* (or being brought before *(me)*) by virtue of a Warrant in that behalf, to testify as aforesaid, and being required to make oath or affirmation as a witness in that behalf, hath now refused so to do, (or being duly sworn as a witness doth now refuse to answer certain questions concerning the premises which are now here put to him, and more particularly the following) without offering any just excuse for such refusal ; These are therefore to command you, the said Constables, Peace Officers, or any one of you, to take the said E. F. and him safely convey to the (House of Correction) at _____, in the District aforesaid, and there to deliver him to the Keeper thereof, together with this Precept ; And *(I)* do hereby command you, the said Keeper of the said (House of Correction) to receive the said E. F. into your custody in the said (House of Correction,) and him there safely keep for the space of _____ days, for his said contempt, unless he shall in the mean time consent to be examined, and to answer concerning the premises ; and for your so doing, this shall be your sufficient Warrant.

Given under *(my)* Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. B.]

(M.)

DEPOSITIONS OF WITNESSES.

Province of Canada, }
District of _____ }

The examination of C. W. of _____, (*farmer,*) and E. F. of _____ (*laborer*), taken on (*oath*) this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid, before the undersigned, (*one*) of Her Majesty's Justices of the Peace for the said District, in the presence and hearing of A. B. who is charged this day before *(me)* for that he, the said A. B. on _____ at _____, (*&c. describing the offence as in a Warrant of Commitment.*)

This Deponent, C. D. on his (*oath*) saith as follows : (*&c. stating the depositions of the witness as nearly as possible in the words he uses. When his deposition is completed, let him sign it.*)

And this Deponent, E. F. upon his (*oath*) saith as follows : (*&c.*)

The above depositions of C. D. and E. F. were taken and
(*sworn*) before me, at _____ on the day and year first
above mentioned.

J. S.

(N.)

STATEMENT OF THE ACCUSED.

Province of Canada, }
District of _____ }

A. B. stands charged before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the District aforesaid, this _____ day of _____ in the year of our Lord _____, for that the said A. B., on _____ at _____, (*&c. as in the caption of the depositions*;) And the said charge being read to the said A. B., and the witnesses for the prosecution C. D. and E. F. being severally examined in his presence, the said A. B. is now addressed by me as follows: "Having heard the evidence, do you wish to say any thing in answer to the charge? You are not obliged to say any thing, unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you at your trial." Whereupon the said A. B. saith as follows: (*Here state whatever the prisoner may say, and in his very words as nearly as possible. Get him to sign it if he will.*)

A. B.

Taken before me, at _____, the day and year first
above mentioned.

(O 1.)

RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

Province of Canada, }
District of _____ }

Be it remembered, That on the _____ day of _____ in the year of our Lord _____, C. D. of _____, in the _____ of _____, in the _____ Street, in the Parish of _____, (*farmer*), (*or* C. D. of No. 2, _____ or in the Borough of _____ or in the Town or City of _____, *Surgeon*, of which said house he is *tenant*), personally came before me, one of Her Majesty's Justices of the Peace in and for the said District of _____, and acknowledged himself to owe to our Sovereign Lady the Queen the sum of _____, of good and lawful current money of this Province, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said C. D. shall fail in the condition endorsed.

Taken

Taken and acknowledged the day and year first above mentioned, at _____ before me.

J. S.

CONDITION TO PROSECUTE.

The condition of the within written Recognizance is such, that whereas one A. B. was this day charged before me J. S. Justice of the Peace within mentioned, for that (*etc., as in the caption of the depositions*;) if, therefore, he, the said C. D. shall appear at the next Court of Oyer and Terminer or General Gaol Delivery, (or at the next Court of General or Quarter Sessions of the Peace,) to be holden in and for the District of _____ and there prefer or cause to be preferred a Bill of Indictment for the offence aforesaid, against the said A. B. and there also duly prosecute such indictment, then the said Recognizance to be void, or else to stand in full force and virtue.

CONDITION TO PROSECUTE AND GIVE EVIDENCE.

(*Same as the last form, to the asterisk,* and then thus:—*“ And there prefer or cause to be preferred a Bill of Indictment against the said A. B. for the offence aforesaid, and duly prosecute such indictment, and give evidence thereon, as well to the Jurors who shall then enquire into the said offence, as also to them who shall pass upon the trial of the said A. B., then the said Recognizance to be void, or else to stand in full force and virtue.”

CONDITION TO GIVE EVIDENCE.

(*Same as the last form but one, to the asterisk,* and then thus:—*“ And there give such evidence as he knoweth upon a Bill of Indictment to be then and there preferred against the said A. B. for the offence aforesaid, as well to the Jurors who shall there enquire of the said offence, as also to the Jurors who shall pass upon the trial of the said A. B. if the said Bill shall be found a True Bill, then the said Recognizance to be void, otherwise to remain in full force and virtue.”

(O 2.)

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE PROSECUTOR AND HIS WITNESS.

Province of Canada, }
District of _____ }

Take notice that you C. D. of _____, are bound in the sum of _____ to appear at the next Court of General Quarter Sessions of the Peace, in and for the District of _____, to be _____

be holden at _____ in the said District, and then and there
(*prosecute and*) give evidence against A. B., and unless you
then appear there, (*prosecute and*) give evidence accordingly,
the Recognizance entered into by you will be forthwith levied
on you.

Dated this _____ day of _____ one thousand eight
hundred and _____

J. S.

(P 1.)

COMMITMENT OF WITNESS FOR REFUSING TO ENTER INTO THE
RECOGNIZANCE.

Province of Canada, }
District of _____ }

To all or any of the Constables or other Peace Officers in the
said District of _____, and to the Keeper of the (House
of Correction) at _____, in the said District of _____:

Whereas A. B. was lately charged before the undersigned,
(*or name of Justice of the Peace, (one) of Her Majesty's Justices
of the Peace in and for the said District of _____, for that
(&c. as in the Summons to the Witness), and it having been made
to appear to (me) upon oath that E. F., of _____, was
likely to give material evidence for the prosecution, (I) duly
issued (my) Summons to the said E. F., requiring him to be
and appear before (me) on _____, at _____ or before
such other Justice or Justices of the Peace as should then be
there, to testify what he should know concerning the said
charge so made against the said A. B. as aforesaid; and the
said E. F. now appearing before (me) (or being brought before
(me) by virtue of a Warrant in that behalf to testify as aforesaid),
hath been now examined before (me) touching the premises;
but being by (me) required to enter into a Recognizance condi-
tioned to give evidence against the said A. B., hath now refused
so to do; These are therefore to command you the said Con-
stables or Peace Officers, or any one of you, to take the said
E. F. and him safely to convey to the (House of Correction)
at _____ in the District aforesaid, and there deliver him to
the said Keeper thereof, together with this Precept; and I do
hereby command you, the said Keeper of the said (House of
Correction,) to receive the said E. F. into your custody in the
said (House of Correction,) there to imprison and safely keep
him until after the trial of the said A. B. for the offence aforesaid,
unless in the mean time the said E. F. shall duly enter
into such Recognizance as aforesaid, in the sum of _____,
before some one Justice of the Peace for the said District, con-
ditioned in the usual form to appear at the next Court of Oyer and
and*

and Terminer, or General Gaol Delivery, or General Quarter Sessions of the Peace), to be holden in and for the said District of _____ and there to give evidence before the Grand Jury upon any Bill of Indictment which may then and there be preferred against the said A. B. for the offence aforesaid, and also to give evidence upon the trial of the said A. B. for the said offence, if a True Bill should be found against him for the same.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____ in the District aforesaid.

J. S. [L. s.]

(P 2.)

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

Province of Canada, }
District of _____ }

To the Keeper of the (House of Correction) at _____, in the District of _____ aforesaid

Whereas by (my) order dated the _____ day of _____ (instant), reciting that A. B. was lately before then charged before (me) for a certain offence therein mentioned, and that E. F. having appeared before (me), and being examined as a witness for the prosecution in that behalf, refused to enter into a Recognizance to give evidence against the said A. B., and I therefore thereby committed the said E. F. to your custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the mean time he should enter into such Recognizance as aforesaid; And whereas for want of sufficient evidence against the said A. B., the said A. B. has not been committed or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said E. F. should be detained longer in your custody; These are therefore to order and direct you the said Keeper to discharge the said E. F. out of your custody, as to the said commitment; and suffer him to go at large.

Given under my Hand and Seal, this _____ day of _____, in the year of Our Lord _____, at _____ in the District aforesaid.

J. S. [L. s.]

(Q 1.)

WARRANT REMANDING A PRISONER.

Province of Canada, }
District of }

To all or any of the Constables or other Peace Officers in the said District of _____, and to the Keeper of the (House of Correction) at _____, in the said District of _____

Whereas A. B. was this day charged before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said District of _____, for that (&c., as in the Warrant to apprehend), and it appears to (me) to be necessary to remand the said A. B.; These are therefore to command you the said Constables or Peace Officers, or any one of you, in Her Majesty's name, forthwith to convey the said A. B. to the (House of Correction) at _____, in the said District, and there to deliver him to the Keeper thereof, together with this Precept; and I hereby command you the said Keeper to receive the said A. B. into your custody in the said (House of Correction); and there safely keep him until the _____ day of _____ (instant), when I hereby command you to have him at _____, at _____ o'clock in the (fore) noon of the same day before (me) or before some other Justice or Justices of the Peace for the said District as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the mean time.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord, _____, at _____, in the District aforesaid.

J. S. [L. s.]

(Q 2.)

RECOGNIZANCE OF BAIL INSTEAD OF REMAND, ON AN
ADJOURNMENT OF EXAMINATION.Province of Canada, }
District of }

Be it remembered, That on the _____ day of _____ in the year of our Lord _____, A. B. of _____, (laborer), L. M. of _____, (grocer), and N. O. of _____, (butcher), personally came before me, (one) of Her Majesty's Justices of the Peace for the said District, and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____ and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of this Province, to be made and

and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors if he the said A. B. fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____ before me.

J. S.

CONDITION.

The condition of the within written Recognizance is such, that whereas the within bounden A. B. was this day (*or, on last past*) charged before me for that (*&c. as in the Warrant*): And whereas the examination of the Witnesses for the prosecution in this behalf is adjourned until the day of _____ (*instant*); If therefore the said A. B. shall appear before me on the said _____ day of _____ (*instant*), at _____ o'clock in the forenoon, or before such other Justice or Justices of the Peace for the said District as may then be there, to answer (*further*) to the said charge, and to be further dealt with according to law, then the said Recognizance to be void, or else to stand in full force and virtue.

(Q 3.)

NOTICE OF RECOGNIZANCE TO BE GIVEN TO THE ACCUSED
AND TO HIS SURETIES.

Province of Canada, }
District of _____ }

Take notice that you A. B. of _____, are bound in the sum of _____ and your Sureties L. M. and N. O. in the sum of _____, each; that you A. B. appear before me J. S., one of Her Majesty's Justices of the Peace for the District of _____, on _____, the day of _____ (*instant*), at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the same District as may be then there, to answer (*further*) to the charge made against you by C. D., and to be further dealt with according to law; and unless you A. B. personally appear accordingly, the Recognizances entered into by yourself and Sureties will be forthwith levied on you and them.

Dated this _____ day of _____, one thousand eight hundred and _____

J. S.

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE
RECOGNIZANCE.

I hereby certify that the said A. B. hath not appeared at the time and place, in the above condition mentioned, but therein hath made default, by reason whereof the within written Recognizance is forfeited.

J. S.

(R 1.)

WARRANT TO CONVEY THE ACCUSED BEFORE A JUSTICE OF THE
DISTRICT IN WHICH THE OFFENCE WAS COMMITTED.

Province of Canada, }
District of: }

To all or any of the Constables, or other Peace Officers, in the
said District of

Whereas A. B. of (laborer), hath this day been charged before the undersigned (one) of Her Majesty's Justices of the Peace in and for the District of , for that (sc. as in the Warrant to apprehend); And whereas (I) have taken the deposition of C. D. a witness examined by (me) in this behalf, but inasmuch as (I) am informed that the principal witnesses to prove the said offence against the said A. B. reside in the District of where the said offence is alleged to have been committed; These are therefore to command you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said District of and there carry him before some Justice or Justices of the Peace in and for that District, and near unto the (Parish of) where the offence is alleged to have been committed, to answer further to the said charge before him or them, and to be further dealt with according to law; and (I) hereby further command you to deliver to the said Justice or Justices the information in this behalf, and also the said deposition of C. D. now given into your possession for that purpose, together with this Precept.

Given under my Hand and Seal, this day of , in
the year of our Lord , at ; in the District
aforesaid.

J. S. [L. s.]

(R 2.)

(R 2.)

RECEIPT TO BE GIVEN TO THE CONSTABLE BY THE JUSTICE FOR THE DISTRICT IN WHICH THE OFFENCE WAS COMMITTED.

Province of Canada, }
District of }

I, J. P. one of Her Majesty's Justices of the Peace, in and for the District of _____, hereby certify that W. T., Constable, or Peace Officer, of the District of _____, has on this _____ day of _____, one thousand eight hundred and _____, by virtue of and in obedience to a Warrant of J. S. Esquire, one of Her Majesty's Justices of the Peace in and for the District of _____ produced before me, one A. B. charged before the said J. S. with having (*&c. stating shortly the offence.*) and delivered him into the custody of _____ by my direction, to answer to the said charge, and further to be dealt with according to law, and has also delivered unto me the said Warrant, together with the information (*if any*) in that behalf, and the deposition (s) of C. D. (*and of _____*) in the said Warrant mentioned, and that he has also proved to me upon oath the hand-writing of the said J. S. subscribed to the same.

Dated the day and year first above mentioned, at _____ in the said District of _____

J. P.

(S 1.)

RECOGNIZANCE OF BAIL.

Province of Canada, }
District of }

Be it remembered, That on the _____ day of _____ in the year of our Lord _____, A. B. of _____, (*laborer,*) L. M. of _____, (*grocer,*) and N. O. of _____, (*butcher,*) personally came before (*us*) the undersigned, two of Her Majesty's Justices of the Peace for the said District, and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of this Province, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____ before us.

J. S.

J. N.

CONDITION.

CONDITION.

The condition of the within written Recognizance is such, that whereas the said A. B. was this day charged before (us,) the Justices within mentioned for that (*&c. as in the Warrant*); If therefore the said A. B. will appear at the next Court of Oyer and Terminer or General Gaol Delivery (or Court of General Quarter Sessions of the Peace) to be holden in and for the District of _____, and there surrender himself into the custody of the Keeper of the (*Common Gaol*) there, and plead to such Indictment as may be found against him by the Grand Jury, for and in respect to the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said Recognizance to be void, or else to stand in full force and virtue.

(S. 2.)

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND HIS BAIL.

Take notice that you A. B., of _____, are bound in the sum of _____, and your Sureties (*L. M. and N. O.*) in the sum of _____, each, that you A. B. appear (*&c. as in the condition of the Recognizance.*) and not depart the said Court without leave; and unless you, the said A. B., personally appear and plead, and take your trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this _____ day of _____, one thousand eight hundred and _____

J. S.

(S. 3.)

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A PRISONER ALREADY COMMITTED.

Province of Canada, }
District of _____ }

To the Keeper of the (House of Correction) at _____, in the said District of _____

Whereas A. B., late of _____, (*laborer*), hath before (*us*), (*two*) of Her Majesty's Justices of the Peace in and for the said District of _____, entered into his own Recognizance, and found sufficient sureties for his appearance at the next Court of Oyer and Terminer or General Gaol Delivery (or Court of General Quarter Sessions of the Peace) to be holden in and for the _____ the

the District of _____, to answer our Sovereign Lady the Queen, for that (&c. as in the Commitment), for which he was taken and committed to your said (House of Correction); These are therefore to command you, in Her said Majesty's name, that if the said A. B. do remain in your custody in the said (House of Correction) for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our Hands and Seals, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]
J. N. [L. s.]

(T 1.)

WARRANT OF COMMITMENT.

Province of Canada, }
District of _____ }

To all or any of the Constables, or other Peace Officers, in the said District of _____, and to the Keeper of the (House of Correction) at _____, in the said District of _____:

Whereas A. B. was this day charged before (me) J. S. (one) of Her Majesty's Justices of the Peace in and for the said District of _____, on the oath of C. D., of _____ (farmer,) and others, for that, (&c. stating shortly the offence); These are therefore to command you the said Constables or Peace Officers, or any of you, to take the said A. B., and him safely convey to the (House of Correction) at _____ aforesaid, and there deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the said (House of Correction) to receive the said A. B. into your custody in the said (House of Correction) and there safely to keep him until he shall be thence delivered by due course of law.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(T 2.)

GAOLER'S RECEIPT TO THE CONSTABLE FOR THE PRISONER, AND JUSTICE'S ORDER THEREON FOR THE PAYMENT OF THE CONSTABLE'S EXPENCES IN EXECUTING THE COMMITMENT.

I hereby certify that I have received from W. T., Constable, of the District of _____, the body of A. B., together with a Warrant under the Hand and Seal of J. S., Esquire, one of Her Majesty's Justices of the Peace for the said District of _____

of _____, and that the said A. B., was (sober, or as the case may be) at the time he was delivered into my custody.

P. K.

Keeper of the (House of Correction,) at _____

To R. W. Esquire, Sheriff for the District of _____

Whereas W. T., Constable, of the District of _____, hath produced unto me, J. P., one of Her Majesty's Justices of the Peace in and for the said District of _____, the above receipt of P. K., Keeper of the (House of Correction) at _____; And whereas in pursuance of the Statute in such case made and provided, I have ascertained that the sum which ought to be paid to the said W. T. for arresting and conveying the said A. B. from _____, in the District of _____) to the said (House of Correction) is _____, and that the reasonable expences of the said W. T. in returning will amount to the further sum of _____, making together the sum of _____; These are therefore to order you, as such Sheriff for the said District of _____, to pay unto the said W. T. the said sum of _____, according to the form of the Statute in such case made and provided, for which payment this Order shall be your sufficient voucher and authority.

Given under my Hand, this _____ day of _____ one thousand eight hundred and _____

J. P.

Received the _____ day of _____, one thousand eight hundred and _____, of the Sheriff for the District of _____, being the amount of the above Order.

£ s. d.

W. T.

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