

indictment the J. P. issues a warrant for his detention until removed by Habeas Corpus or the case be disposed of. But Bench warrants for the same purpose may be issued instead. Such warrants or search warrants may be issued on Sunday. The charge on which the warrant issues must be upon oath or affirmation. So with summonses in all cases wherein it is not otherwise provided. No defect in the form or substance of the information or variance between it and the evidence adduced can be urged before the J. P. But if it appears that the party charged has been deceived or misled by such variance, the investigation may be adjourned and the party remanded admitted to bail. Search warrants are issued upon evidence under oath of a credible witness of reasonable cause to suspect the secreting on certain premises of goods &c., about which a larceny or felony has been committed. A summons or warrant of arrest may issue at the same time. Summons are served by constables or peace officers on the party personally or by leaving it with some person at his last or usual place of abode. The party serving appears on the return of summons to depose to its service. The accused failing to appear a warrant issues. Warrants are under the hands and seals of the J. P. and addressed to all or any constables or peace officers in the district &c. It need not be returnable at any particular time but remains in force until executed. The arrest may be made within the district, &c., or, in case of fresh pursuit, 7 miles beyond its boundary. Any constable may execute a warrant addressed generally to all in the district &c., although he may only be appointed for a portion of it. When the party accused cannot be found in the jurisdiction of the J. P. issuing the warrant, a J. P. of the jurisdiction into which he has escaped or come, on oath being made as to the signature to the warrant, may back or endorse it and it may then be executed in his jurisdiction and the accused taken back to that whence it issued. If the prosecutor or witness be in the jurisdiction of such second J. P. he may order the prisoner brought before him and proceed with the investigation. A J. P. may summons a person to appear and give evidence from any part of Canada, upon deposition that his evidence is material. If he fail to appear a warrant may issue to apprehend and bring him, the warrant to be worked as others if necessary. A warrant may issue on the first instance if the J. P. have reason to think it necessary. A person appearing and refusing to testify may be committed for ten days unless he sooner consent. The evidence of the witnesses must be taken in presence of the accused who may cross-examine them. It is read over to and signed by them; and if at the trial it be proved that a witness is dead or so sick as to be unable to attend the trial his deposition, if properly taken as above and signed by the J. P., may be read and received as his evidence. After examination of witnesses is over the depositions are to be read to him and he is asked what he has to say in answer, being cautioned that anything he says will be taken down and may be used against him at his trial. The J. P. should also caution him that he has nothing to hope from any promise of favor, or to fear from any threat made to induce a confession or admission. But any admission or confession admissible as evidence may be given in evidence by the prosecutor. Prisoner's examination may be given in evidence at the trial if duly taken and signed by the J. P. The room where such investigation is held is not an open court, and no person has a right to be present without leave of the J. P. The prosecutor and witnesses are bound over to appear at the trial and give evidence. The recognizance is signed by the J. P., and notice thereof given to the party bound. They are transmitted, along with the information, depositions, &c., to the proper officer of the court which is to try the prisoner. A witness refusing to enter into recognizance may be committed to gaol till the trial. But if he is not committed or bound for trial the witness is discharged. The prisoner may, by warrant, be remanded from time to time for periods of not more than 8 days, to gaol, when necessary or advisable to complete the investigation; or he may be remanded, for 3 days, by verbal order, to the custody of the officer having him in charge. But he may be again brought up on an earlier day. Accused may be admitted to bail during such remand. If he does not appear, according to his recognizance, the J. P. transmits it, with a certificate of non-appearance on its back, to the clerk of the court where he would have been tried, to be proceeded on as other forfeited recognizances. When a person is arrested in one jurisdiction for an offence committed in another, the examination may be held in the former, and the J. P. commit him for trial in the latter. But if, on such examination, the evidence is not sufficient to commit, the accused may be sent to the district in which the crime was committed, there to be dealt with, the J. P. binding over the witnesses already examined, but sending their depositions, with the other documents in the case, to the J. P. before whom proceedings are continued. The constable delivers the prisoner to the latter, or to a constable named by him or them, together with such depositions, &c., making oath to the signature of the J. P., first examining and receiving from the J. P. in the second district, &c., a certificate of delivery. If the J. P. then proceeding do not find sufficient evidence to commit, the recognizances of the first witnesses become void. In cases of felony other than treason, or capital offences, or felony under the act for the better protection of the crown and government, if the evidence is as strong as, in the opinion of the examining justice, requires the prisoner to be put on his trial, but not to necessitate his commitment to gaol, he and another J. P. may admit to bail; and one J. P. may do so, under like circumstances, in a case of misdemeanor, the sureties being required to justify on oath. Failing to obtain sureties the J. P. commit. In all cases but the 3 exceptions above judges of superior or county courts may admit persons committed for trial to bail. Two J. P. receive the bail for the amount directed by the judge, and issue a warrant of deliverance, with the judge's order attached, to the gaoler, ordering the prisoner's release, if held for no other crime. In the 3 excepted classes of crimes, only one of the superior courts having jurisdiction, or a judge thereof, can grant bail. When all the evidence adduced by the prosecution has been heard, if the J. P. deem it insufficient to put him on trial, the prisoner is discharged. Bail may be granted, after committal, at any time before the first day of the term in which accused should be tried. When the constable has delivered the prisoner and warrant of commitment to the gaoler, he receives from him a receipt or certificate to that effect, setting forth the state of the prisoner. Prisoner or defendant is entitled to copies of all depositions after they are complete, and before the first sitting of the court to try him, paying not more than 5 cents per 100 words. A judge of sessions for Montreal or Quebec, a police magistrate, district do. or stipendiary do. for any territorial division, or any magistrate authorized by the law of the Province, may do alone what 2 J. P. are required to do under this act. Every coroner