

upon an inquisition before him takes the evidence in presence of the party implicated, allowing him to cross-examine the witnesses, and binds over the witnesses, and certifies and transmits the papers as J. P. are required to do. When the prisoner or his counsel, &c., give notice of immediate intention to apply for bail after committal, the coroner, J. P. or magistrate forthwith forward all the papers to the clerk of the crown or other proper officers, delivering the package to the party applying. The court or judge makes the same order as in *habeas corpus*. If any J. P., coroner or magistrate, neglects or offends against these provisions of the act, the court to which the documents should be transmitted fines him. The act comes into force 1st January, 1870.

J. P.—SUMMARY CONVICTIONS.

Cap. 31.—When complaint is made before a J. P. that a person within his jurisdiction has committed an act for which summary proceedings may be taken before him, he issues a summons stating the matter of complaint, and ordering the defendant to appear, at a time or place named, before him, or such other J. P. as may be then present. It may be served by any constable or peace officer, or other person to whom it is delivered for that purpose, personally, or by leaving it at the abode of the accused. The person serving attends at the return to depose to the service. But no summons need issue when the proceedings are *ex parte*. The same rule holds respecting variance, as in proceedings for indictable offences. If the summons be not obeyed a warrant issues for the arrest of the party. It may issue, in the first instance, if deemed necessary, upon an information under oath, but in that case a copy must be served on, and left with, each party arrested. The J. P. may proceed *ex parte* if the accused fails to appear, proof of due service being made. The provisions respecting form of warrant, the parties to whom addressed, its duration, the arrest, and the backing of warrant, are the same as in cap. 30. If the defendant does not appear, when bound under his recognizance, it is dealt with as under cap. 30, and the J. P. thereupon issues a warrant to arrest the party. Where property is to be described, held jointly or in common by several persons, it is enough to set it up as belonging to one of them "and others." When property of a municipal corporation, &c., is set up it is stated to be that of the inhabitants of such municipality. Aiders or abettors &c., of offences punishable on summary conviction are liable to like punishment as principals. The same rules apply to summons and warrants for witnesses and their commitment for refusal to give evidence as in cap. 30, complaints. Seeking an order for the payment of money need not be in writing unless the Act specially requires it. Variance as to time, between complaint and evidence is not material if the prosecution be brought within the time limited by statute, nor as to place if the act were committed within the jurisdiction of the J. P., unless Defendant has been misled, when an adjournment is granted. No information or complaint need be under oath unless the law specially directs it, where the jurisdiction is summary, or unless a warrant be issued in the first instance. A complaint or information must be for one matter only. It may be made by complainant or informant in person or by his counsel or attorney. When no time is limited for laying a complaint, or information it must be brought within 3 months, except in the part of Saguenay from Portneuf east, to the limits of Canada including the islands adjoining. There 12 months is allowed. Unless it is otherwise directed in the Act, 1 J. P. may hear all summary cases. The Court is an open one. The defendant may make a full defence and he and prosecutor may be represented by Attorney or Counsel. When defendant does not appear in compliance with summons, the J. P. may proceed *ex parte*, or by warrant, adjoining until arrest be effected. When apprehended, notice to proceed is given to the complainant, &c., the Defendant meantime remaining in custody or being committed to gaol. If when he is brought up under arrest or appears upon summons, the complainant does not appear, the J. P. may dismiss the complaint or adjourn the hearing, re-committing defendant to custody, or letting him go upon recognizances. If both appear, the case is heard. The complaint or information is first stated to him and he is asked to show cause why he should not be convicted or an order made. If he confess, judgment may go against him. If he do not then the evidence is taken first on behalf of the complainant and then on behalf of the Defendant. The prosecutor of an information not having a pecuniary interest other than as to costs, and all complainants are competent witnesses. The prosecutor can make no observations in reply upon Defendant's evidence nor the Defendant on the evidence in rebuttal. After deliberation a minute of conviction is made, to be drawn up and signed in due form after, or a certificate of acquittal is made out, which is a bar to any other proceedings. If the information or complaint negative any exemption, exception or proviso, &c., of a statute, the complainant, &c. shall not be called on to prove the negative but Defendant must prove the affirmative. The J. P. may at any time pending the proceedings, adjourn them for not longer than one week committing Defendant to custody or gaol or allowing him to stand out on bail. If either complainant or Defendant do not appear on the day fixed the J. P. may proceed, or dismiss the complaint. Before commitment or distress, the Defendant must be served with a copy of the minute or order. Justices may order payment of costs not inconsistent with fees established by law, by either party. They are to be specified in the order, &c. They may be recovered like the penalty if one is imposed, or by distress. In all cases where a penalty or compensation is to be paid or other money ordered, where no other method of levying it is enacted, the J. P. may issue a warrant of distress. If not sufficient be found in the jurisdiction of the J. P. issuing, it may be backed like other warrants by a J. P. wherein goods, &c., are found. When distress would ruin the Defendant's family or not sufficient can be found the J. P. may imprison the Defendant instead. When distress warrant issues, the Defendant may be allowed to go at large or given into custody or bailed. Imprisonment in default of distress unless otherwise provided may not exceed 3 months. A sentence or term of imprisonment against a party already in prison for a previous offence, commences to run from the expiry of such previous sentence. If information be dismissed costs may be recovered by distress or prosecutor may be imprisoned in default. In all cases where the sum ordered to be paid exceeds \$10 or the term of imprisonment, 1 month or one J. P. only has decided, an appeal lies (unless taken away by statute) to the General Sessions of the Peace and during the term held not less than 12 days after in Ontario or Quebec; in N. S. to the next term of Supreme Court in the County and in N. B. to do., or of the County Court.