

Notice must be given within 4 days after decision of J. P. or 8 days before sitting of Court appealed to. The appellant shall remain in custody, or give security to appear and prosecute and abide by the decision or deposit amount of judgment and costs. If the court quashes the conviction the Clerk or proper officer writes a certificate on the back of the record of conviction. The appeal may be tried by a jury at the request of either party. If not, the Court is judge of law and fact. No witnesses are examined which were not in the Court below. The appeal may not be based on alleged defect in form or substance or on variance not objected to before the J. P., nor unless an adjournment was refused when Defendant had been misled. The decision in appeal must be upon the merits, the Court amending defects of form where necessary. If appeal is abandoned after notice is given, costs may be awarded against appellant. If appeal be decided in favour of respondent the J. P. issues warrant of distress, or commitment to carry out conviction. No conviction or adjudication in appeal shall be quashed for want of form or removed by *certiorari* to a Superior Court if it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same. The J. P. must transmit all convictions to the Court to which appeal lies before they could be heard, together with any deposit made. A certificate from the proper officer of such court of such conviction makes proof thereof upon trial for subsequent offence. Costs in appeal are ordered to be paid to the Clerk or proper officer of Court, who pays over to the parties entitled, within a time specified. If not then paid, and no security has been given, the Clerk grants a certificate, whereupon a J. P. may issue warrants of distress or commitment in default. Every J. P. must make a return of all convictions to the next General Sessions of the Peace or Court having jurisdiction in appeal, stating the moneys received or to whom paid. A J. P. neglecting to make them or making false or incorrect returns, or receiving fees to which he is not entitled forfeits \$80 and costs, recoverable by anyone in a Court of Record, one half to the party suing and one half to the R. G. The action must be brought within 6 months. The Clerk of the Peace or proper officer must within 7 days after the sitting of the Court publish such returns in a newspaper and fix up a schedule thereof in his office to remain there till the end of the next ensuing sitting of such Court, transmitting a copy to the M. of E. within 20 d. ys. Nothing herein prevents a person from prosecuting a J. P. by indictment who may legally do so when this act comes into force. A warrant of distress shall not be executed if the Defendant tenders the constable the sums mentioned therein and costs up to tender. A person imprisoned in default, &c. may pay to the gaoler, who may thereupon discharge him. In cases where 2 J. P. must hear and determine, one may take the complaint and issue the summons or warrant for the party and witnesses and take all preliminary proceedings up to the hearing of the parties. After the hearing and decision also, one may issue all warrants of distress, &c., nor in either case need he be the one, or one of those who hear or determines, but the same two must be present and acting together during the whole hearing and determination. Where several parties are guilty of an offence together and are each adjudged to pay the whole amount of damage or injury, the aggrieved party receives the amount paid by one alone, the other amounts being disposed of like other penalties. The evidence of the party aggrieved is admitted in proof of the offence. Any judge of sessions, Recorder, Police Magistrate, District do., or Stipendiary do. have power within their jurisdiction to do whatever may be done under this act by 2 J. P. These, also (except the Recorder) are given the same power to preserve order in their Courts and to punish resistance to process as any other Courts of Law in Canada. This act comes into force on 1st January, 1870.

SUMMARY TRIALS BY CONSENT.

Cap. 32.—Summary trials under this act may be had in Ontario or Quebec before a Recorder, County Judge being a J. P., Comr. of Police, Judge of Sessions, Police or District Magistrate or other officer or court having powers of a Recorder under C. S. C. c. 105; and in N. B. and N. S. before a Comr. of Police or other tribunal or person invested with authority to do above acts ordinarily requiring two J. P. Imprisonment is to be in a reformatory prison for offenders under 16. The offences which may be so tried are, simple larceny, larceny from the person, embezzlement, or obtaining money under false pretences or feloniously receiving stolen property the value not exceeding \$10; attempts at larceny of either kind, an aggravated assault, inflicting grievous bodily harm or cutting, wounding or stabbing, an assault on any female; or on a male under 14 which cannot be sufficiently punished by an ordinary summary conviction, (but not an assault with intent to rape); obstructing officers of the peace or customs or excise in the discharge of duty; or keeping or being an inmate or habitual frequenter of a house of ill-fame &c. When a person so charged is brought before such magistrate, the offence not being one ordinarily tried summarily, the magistrate after stating the charge to him asks him if he will be tried before him or desires to be sent for trial before a jury. If he consent to immediate trial, the charge is reduced to writing and read to accused, and the trial proceeds as in a court of J. P. In case of acquittal a certificate is granted. In cases of simple larceny, attempted larceny from the person, or feloniously receiving stolen goods the sentence is 6 months. In case the prisoner refuses to be so tried or the magistrate holds that, because of a previous conviction or other circumstance the case should be tried by indictment, he proceeds as if this act were not passed. He may try, however, notwithstanding a previous conviction; and he may, in his discretion try cases where the thing stolen, &c. is worth over \$10, if the prisoner consent. The sentence, in that case may extend to 12 months. The power of Magistrates to deal with cases of keepers, &c. of houses of ill-fame is absolute within the Police limits of any city, the consent of accused not being requisite: also in case of a sea-faring person having no permanent domicile in Canada, when charged at any sea-port city or town. In the cases so tried other than those of larceny, &c., the sentence may be for 6 months, or \$100 fine or both, with 6 months additional if fine be not paid. If one accused of an offence under this act be brought before a J. P. he may remand him for trial or further proceedings before any such magistrate in the same Province. When so remanded he may be tried before any such Magistrate in the city whoever is named in the remand. Recognizances forfeited by non-appearance after remand are dealt with as those in other cases. Conviction or duplicate certificate of dismissal is to be transmitted to Court of Sessions or other court as by J. P.