

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 178

An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, in Upper Canada, with respect to Summary Convictions and Orders. Assented to 14th June, 1853.

Whereas it would conduce much to the improvement of the administration of justice within that part of this Province called Upper 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 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 Government 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 Territorial Division in Upper 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 Sammons (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 for the same Territorial Division 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 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 Territorial Division, 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 information shall have been laid 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 Territorial Division, 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 Justices 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.

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 Peace Officers of the Territorial Division within which the same is to be executed, or to such Constable and all other Constables within the Territorial Division within which the Justice or Justices issuing such Warrant hath or have jurisdiction, or generally to all Constables within such last mentioned Territorial Division; 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 Territorial Division, 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 Territorial Division within which the Justices issuing the same shall have jurisdiction, or, in case of fresh pursuit, at any place in the next adjoining Territorial Division, within seven miles of the border of such first mentioned Territorial Division without having such Warrant backed as hereinafter mentioned; and in all cases in which such Warrant shall be directed to all Constables or Peace Officers within the Territorial Division 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 was 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 Territorial Division 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 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 meantime to commit (D) the said Defendant to the Common Gaol or any other prison, Lock-up House, or place of security, within the Territorial Division or place within which the said Justice or Justices may be acting, 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 Territorial Division 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 *primâ facie* evidence of such non-appearance of the said Defendant.

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 Territorial Division, 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 Territorial Division respectively.

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 Territorial Division 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.

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 same Territorial Division 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 Territorial Division 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 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 for the Territorial Division 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 meantime, 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, such complaint shall be in writing, and on oath, unless it shall be enacted or provided to the contrary by some particular Act of Parliament upon which such complaint shall be framed.

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 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 meantime to commit (D) the said Defendant to the Common Goal 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 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 Territorial Division 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 *primâ facie* evidence of such non-appearance of the said Defendant.

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 permit,) shall respectively be made or laid on oath or affirmation as to the truth thereof, and in all 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 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.

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.

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 Territorial Division, 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 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.

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 the 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 Territorial Division, who shall thereupon, either by his or their Warrant (H) commit such Defendant. to the Common Gaol 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 ease such Justice or Justices may commit (D) the Defendant in the meantime to the Common Gaol 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 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 Territorial Division 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 primâ fade 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 or Justices 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 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 affirmative thereof in his defence, if he would have advantage of the same.

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.

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 meantime the said Justice or Justices may suffer the Defendant to go at large, or may commit (D) him to the Common Gaol or other prison, Lock-up House or other place of security within the Territorial Division 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 Justice or 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 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 Territorial Division 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 *primâ facie* evidence of such non-appearance of the said Defendant.

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.

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 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 not inconsistent with the Fees established by law to be taken on proceedings had by and before Justices of the Peace under the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to establish an uniform rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada, passed in the fourth year of the Reign of King William the Fourth, chapter seventeen*, or with the provisions of any other Act or Law in force in Upper Canada regulating fees or costs in proceedings before Justices of the Peace; 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 according to law as aforesaid; 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 cases where there is no such penalty or sums 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 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 Territorial Division, 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 Territorial Division, such Justice of such other Territorial Division 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 was originally directed, or by any Constable or other Peace Officer of such last mentioned Territorial Division, by distress and sale of the goods and chattels of the Defendant in such other Territorial Division: 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 or other person to the Common Gaol, or Lock-up House within the Territorial Division within which such Justice or Justices shall then be acting, 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.

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 lime and place appointed for the Return of such Warrant of Distress, or before such other Justice or Justices for the same Territorial Division 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 Territorial Division 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 *primâ facie* evidence of such non-appearance of the said Defendant.

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 (X 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 or other person to the Common Gaol or Lock-up House within the Territorial Division for which such Justice shall then be acting, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive the Defendant into such Gaol or Lock-up House, 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 or other Officer 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 such subsequent offence shall commence at the expiration of the imprisonment to which such Defendant shall have been previously adjudged or sentenced.

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 Common Gaol or other Prison or Lock-up House 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.

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 Justice of the Peace for the same Territorial Division, 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 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 Territorial Division, 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.

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 nonpayment 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.

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 where by 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.

XXVI. And whereas doubts may exist whether under the provisions of the Act passed in the Session of Parliament held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered fifty-four, and intituled, *An Act to extend the rights of Appeals in certain cases in Tipper Canada*, Appeals will lie from conviction and decisions under By-laws of Municipal Councils; Be it therefore enacted, That in all cases of complaints against any person for committing any offence against any By-law of any Municipal Corporation in Upper Canada, all decisions, convictions and orders made by any Justice of the Peace, or by any person by law authorized to act in that capacity, shall be subject to an Appeal in the manner and subject to the provisions prescribed in the above recited Act.

XXVII. 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.

XXVIII. 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, Territorial Division or Place, 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.

XXIX. 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 Court 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.

XXX. 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 Upper Canada for enforcing the execution of the Process of other Courts in like cases.

XXXI. 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.

XXXII. And be it enacted, That the word "County" wherever it occurs in this Act, shall include any Union of Counties for judicial purposes, and the words "Territorial Division" shall include any Union of two or more territorial divisions.

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

XXXIV. And be it enacted, That whenever the word "Prison" occurs in this Act, it shall be held to mean any place where parties charged with offences against the law, are usually kept and detained in custody.

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

Schedules.

(A)

Summons to the Defendant Upon an Information or Complaint.

Province of Canada,
(County or United Counties,
or as the case may be) 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 an for the said (County or United Counties, City, Town, &c., as the case may be) 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 me or such Justices of the Peace for the said (County or United Counties, or as the case may be) 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(B)

Warrant When the Summons is Disobeyed.

Province of Canada,
County or United Counties,
or as the case may be) of _____ }
}

To all or any of the Constables or other Peace Officers in the (County or United Counties, or as the case may be) 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 (County or United Counties, or as the case may be) 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 (me) or 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 in and by the said Summons, although it hath now been proved to me upon oath that the said Summons hath been 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 one or more of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case maybe) 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(C)

Warrant in the First Instance.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }
}

To all or any of the Constables or other Peace Officers in the said (County or United Counties, or as the case may be) of _____:

Whereas information hath this day been laid before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of _____, for that A. B. (here state shortly the matter of information); and oath being now

made before me substantiating the matter of such information: 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 one or more of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be,) to answer to the said information, 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(D)

Warrant of Committal for Safe Custody During an Adjournment of the Hearing.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }
}

To all and any of the Constables or Peace Officers in the (County or United Counties, or as the case may be) of _____, and to the Keeper of the (Common Gaol or Lock-up House) at _____:

Whereas on _____ last past, information was laid (or complaint made) before _____, (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) 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 meantime 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 (Common Gaol or Lockup-House) 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 (Common Gaol or Lock-up Home) 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 (County or United Counties, as the case may be) 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 (County, or as the case may be) 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,
(County or United Counties,
or as the case may be) of _____ }
}

Be it remembered, That on _____, A. B. of _____, (laborer,) and L. M. of
_____, (grocer,) and O. P. of _____, (yeoman,) personally came, and appeared
before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said (County or
United Counties, or as the case may be) 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. and O. P. 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. shall fail in the condition endorsed (or hereunder written.)

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

J. S. [L. S.]

The condition of the within (or the above) 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 me or such Justices of the Peace for the said (County or United
Counties, or as the case may be) 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 Sureties.

Take notice that you, A. B., are bound in the sum of _____ and you, L. M. and O. P., in the
sum of _____, each, that you, A. B., appear personally on _____ at _____
o'clock in the (fore) noon at _____, before me or such Justices of the Peace for the (County
or United Counties, or as the case may be) 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. and O. P. as your Sureties, will forthwith be levied on you and them.

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 to a Witness.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }

To E. F. of _____, in the said (County or United Counties, or as the case may be) of _____:

Whereas information was laid (or complaint was made) before _____ (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of _____, for that (&c., as in the Summons,) and it hath been made to appear to me upon (oath) 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 me or such Justices of the Peace for the said (County or United Counties, or as the case may be) 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(G2.)

Warrant Where a Witness Has Not Obeyed a Summons.

Province of Canada,
(County or United Counties, or
as the case may be) of _____ }

To all or any of the Constables and other Peace Officers in the said (County or United Counties, as the case may be) of _____:

Whereas information was laid (or complaint was made) before _____ (one) of Her Majesty's Justices of the Peace, in and for the said (County or United Counties, or as the case may be) 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 (County or United Counties, or as the case may be) (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 me or such Justice or Justices of the Peace for the said (County or United Counties, or as the case may be) 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 me or such Justice or Justices of the Peace for the said {County or United, Counties, or as the case may be), 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(G3.)

Warrant for a Witness in the First Instance.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }

To all or any of the Constables, or other Peace Officers in the said {County or United Counties, or as the case may be) 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 {County or United Counties, or as the case may be) of _____, for that (&c., as in the Summons), and it 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 me or such other Justice or Justices of the Peace for the said {County or United Counties, or as the case may be) 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(G4.)

Commitment of a Witness for Refusing to Be Sworn or Give Evidence.

Province of Canada, }
(County or United Counties, }
or as the case may be) of _____ }

To all or any of the Constables, or other Peace Officers in the said (County or United Counties, or as the case may be) of _____, and to the Keeper of the Common Gaol of the said {County or United Counties, as the case may be) 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 (County or United Counties, or as the case may be) 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 premises which is now here put to him, and more particularly the following question (here insert the exact words of the question), without offering any just excuse for such his refusal); These are therefore to command you, or any one of the said Constables or Peace Officers to take the said E. F., and him safely to convey to the Common Gaol 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 Common Gaol to receive the said E. F. into your custody in the said Common Gaol and there imprison him for such his contempt for the space of _____ days, unless he shall in the meantime consent to be examined and to answer concerning the premises, 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(H)

Warrant to Remand a Defendant When Apprehended.

Province of Canada,
[County or United Counties,
or as the case may be) of _____ }
}

To all or any of the Constables, or other Peace Officers in the said (County or United Counties, or as the case may be) of _____, and to the Keeper of the (Common Gaol or Lock-up House) at _____:

Whereas complaint was made (or information was laid) before _____ (one) of Her Majesty's Justices of the Peace in and for the (County or United Counties, or as the case may be) of _____, for that (&c., as in the Summons or Warrant); And whereas the said A. B. hath been apprehended under and by virtue of a Warrant, upon such information (or complaint) and is now brought before me as such Justice as aforesaid; 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 (Common Gaol or Lock-up House) at _____, and there to deliver him to the said Keeper thereof, together with this Precept; And I do hereby command you the said Keeper to receive the said A. B. into your custody in the said (Common Gaol or Lock-up House), and there safely keep him until _____ next, the _____ day of _____ (instant), when you are hereby commanded to convey and have him at _____, at o'clock in the _____ noon of the same day, before me, or such Justice or Justices of the Peace of the said (County or United Counties, or as the case may be) 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(11.)

Conviction for a Penalty to Be Levied by Distress, and in Default of Sufficient Distress, by Imprisonment.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }
}

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, at _____, in the said (County, or United Counties, or as the case may be), A. B. is convicted

before the undersigned, (one) of Her Majesty's Justices of the Peace for the said (County or United Counties, or as the case may be) 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 on or before the _____ of _____ 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 Common Gaol of the said (County or United Counties, or as the case may be,) at _____ in the said county of _____ (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 Gaol) shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned, at _____ in the (County or United Counties, or as the case may be) 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.)

Conviction for a Penalty, and in Default of Payment, Imprisonment.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }
}

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, at _____, in the said (County or United Counties, or as the case may be), A. B. is convicted before the undersigned, (one) of Her Majesty's Justices of the Peace for the said (County or United Counties, or as the case may be), 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 laid 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 Common Gaol of the said (County or United Counties, or as the case may be,) at _____ in the said County of _____ (and there to be kept at hard labor) for

the space of _____, unless the said sums and the costs and charges of conveying the said A. B. to the said Common Gaol, shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned, at _____ in the (County, or as the case may be) aforesaid.

J. S. [L. S.]

(I 3.)

Conviction When the Punishment is by Imprisonment, &c.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, in the said (County or United counties, or as the case may be) A. B. is convicted before the undersigned (one) of Her Majesty’s Justices of the Peace in and for the said (County or United Counties, or as the case may be) 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 Common Gaol of the said (County or United Counties, or as the case may be,) at _____ in the County of _____ (and there to be kept at 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 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 Common Gaol, (and there kept at 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 (County or United Counties, or as the case may be) 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,
(County or United Counties,
or as the case may be) 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 (County or United Counties, or as the case may be) 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 me or such Justice or Justices of the Peace for this said (County or United Counties, or as the case may be) 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 said 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 sums be not paid forthwith (or on or before next) then * 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 Common Gaol of the said County or United Counties, or as the case may be) at _____ in the County of _____, (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 Common Goal,) shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord, _____ at _____ in the (County, or as the case may be) aforesaid.

J. S. [L. S.]

* Or, token 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,
(County or United Counties,
or as the case may be) of _____ }
}

Be it remembered, That on _____ complaint was made before the undersigned (one) of Her Majesty's Justices of the Peace in and for tire said (County or United Counties, or as the case may be) of _____, for that (&c. 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 me or such Justices of the Peace for the said (County or United Counties, or as the case may be) 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 requires), 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), then I adjudge the said A. B. to be imprisoned in the Common Gaol of the said (County or United Counties or as the case may be) at _____ in the said County of _____ (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 Common Gaol) shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the (County, or as the case may be) aforesaid.

J. S. [L. S.]

(K 3.)

Order for any Other Matter Where the Disobeying of it Is Punishable with Imprisonment.

Province of Canada,
(County or United Counties,
or as the case may be,) 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 (County or United Counties, or as the case may be,) of _____, for that (stating the facts entitling the Complainant to the order, with the time, and place where and token 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 me or such Justice or Justices of the Peace for the said (County or United Counties, or as the case may be,) 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 (Common Gaol of the said (County or United Counties, or as the case may be,) at _____ in the said County of _____ (there to be kept at 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 Common Gaol, (there to be kept at 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(L)

Order of Dismissal of an Information or Complaint.

Province of Canada,
(County or United Counties,
or as the case may be) 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 (County or United Counties, or as the case may be) 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 that 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 Common Gaol of the said (County or United Counties, or as the case may be,) at in the said County of _____ (and there to be kept at 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 Common Gaol,) shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the (County, or as the case may be) aforesaid.

J. S. [L. S.]

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

(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 (County or United Counties, or as the case may be) 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,
(County or United Counties,
or as the case may be) of _____ }

To all or any of the Constables, or other Peace Officers in the said (County or United Counties, or as the case may be) 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 (County or United Counties, or as the case may be) 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 Common Gaol of the said (County or United Counties, or as the case may be,) at _____ in the said County of _____, (and there to be kept at hard labor) for the space of _____, unless the said several sums and all costs and charges of the said dis-tress, and of the commitment and conveying of the said A. B. to the said Common Gaol, 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 the money arising from such sale unto me (the convicting Justice or one of the convicting Justices) that I 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(N 2.)

Warrant of Distress Upon an Order for the Payment of Money.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }

To all or any of the Constables, or other Peace Officers, in the said (County or United Counties, or as the case may be) of:

Whereas on _____ last past, a complaint was made before (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be), 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 Common Gaol of the said (County or United Counties, or as the case may be,) at _____ in the said County of _____ (and there kept at 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 Common Gaol) should be the 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 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 (me, or some other of the convicting Justices, as the case may be,) that I (or 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(N 3.)

Endorsement in Backing a Warrant of Distress.

Province of Canada,
(County or United Counties,
or as the case may be,) 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 (County or United Counties, or as the case may be,) 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 (County or United Counties, or as the case may be,) of _____ to execute the same within the said (County or United Counties, or as the case may be) and of _____

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

O. K.

(N 4.)

Constable's Return to a Warrant of Distress.

I, W. T., Constable of _____, in the (County or United Counties, or as the case may be) of _____, hereby certify to J. S., Esquire, one of Her Majesty's Justices of the Peace for the (County or United Counties, or as the case may be) that 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 (County or United Counties, or as the case may be,) of _____, and to the Keeper of the Common Gaol of the said (County or United Counties, or as the case may be,) of _____ at _____, in the said County 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 (County or United Counties, or as the case may be) 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 common Gaol 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 Common Gaol to receive the said A. B. into your custody, in the said Common Gaol, there to imprison him (and keep him at 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 Common Goal) 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(O 1.)

Warrant of Commitment Upon a Conviction for a Penalty in the First Instance.

Province of Canada,
(County or United Counties,
or as the case may be,) of _____ }

To all or any of the Constables and other Peace Officers in the said (County or United Counties, or as the case may be,) of _____, and to the Keeper of the Common Gaol of the said (County or United Counties, or as the case may be) of _____ at _____, in the said county 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 (County or United Counties, or as the case may be) for that (stating the offence as in the conviction,) and it was thereby adjudged that the said A. B., for his 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 Common Gaol of the said (County or United Counties, or as the case may be) at _____ in the said County of _____ (and there 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 Common Gaol) 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 Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the Common Gaol 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 Common Gaol to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labor) for the space of _____, unless the said several sums (and costs and charges of carrying him to the said Common Gaol, 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(O 2.)

Warrant of Commitment on an Order in the First Instance.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }

To all or any of the Constables and other Peace Officers in the said (County or United Counties, or as the case may be) of _____, and to the Keeper of the Common Gaol of the (County or United Counties, or as the case may be) of _____ at _____ in the said County 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 (County or United Counties, as the case may be) 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 Common Gaol of the (County or United Counties, or as the case may be) of _____ at _____ in the said County of _____ (and there he 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 Common Gaol, as the case may be) 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 of you, to take the said A. B. and him safely to convey to the said Common Gaol, 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 Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labor) for the space of _____, unless the said several sums (and the costs and charges of conveying him to the said Common Gaol, 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(Q 1.)

Warrant of Distress for Costs Upon an Order for Dismissal of an Information or Complaint.

Province of Canada, }
(County or United Counties, }
or as the case may be) of _____ }

To all or any of the Constables, or other Peace Officers in the said (County or United Counties, or as the case may be) _____ 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 (County or United Counties, or as the case may be) of _____ for that (&c., as in the order of dismissal,) and afterwards, to wit, on _____ at _____, both parties appearing before _____ in order that (I)

should hear and determine the same, and the several proofs adduced to (me) in that behalf being by (me) duly heard and considered, and it manifestly appearing to (me) that the said information (or complaint) was not proved, (I) therefore dismissed the same, and adjudged that the said C. D. should pay to the said A. B. the sum of _____ for his costs incurred by him in his defence in that behalf; and (I) ordered that if the said sum for costs should not be paid (forthwith) the same should be levied on the goods and chattels of the said C. D., and (I) adjudged that in default of sufficient distress in that behalf the said C. D. should be imprisoned in the Common Gaol of the said (County or United Counties, or as the case may be) of at _____ in the said County of _____ (and there kept at 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 and conveying of the said A. B. to the said Common Gaol should be sooner paid; * And whereas the said C. D. being now required to pay to the said A. B. the said sum for costs, 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 C. D., 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, then that you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to me (the Justice who made such order or dismissal, as the case may be) that (I) may pay and apply the same as by law directed, and may render the overplus (if any,) on demand to the said C. D., and if no such distress can be found, then that you certify the same unto me, (or to any other Justice of the Peace for the same (County or United Counties, or as the case may be) to the end that such proceedings may be had therein as to law cloth appertain.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the (County, or as the case may be) aforesaid.

J. S. [L. S.]

(Q 2.)

Warrant of Commitment for Want of Distress in the Last Case.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }
}

To all or any of the Constables, or Peace Officers, in the said (County or United Counties, or as the case may be) of _____, and to the Keeper of the Common Gaol of the said (County or United Counties, or as the case may be) of _____ at _____ in the said County 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 (County or United Counties, or as the case may be) commanding them, or any one of them to levy the said sum of _____ for costs, by

distress 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 Common Gaol of the said (County or United Counties, as the case may be,) 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 Common Gaol to receive the said C. D. into your custody in the said Common Gaol, there to imprison him (and keep him at 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 Common Gaol 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 (County, or as the case may be) aforesaid.

J. S. [L. S.]

(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 (County or United Counties, or as the case may be) 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 (County or United Counties, or as the case may be) 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 (County or United Counties, or as the case may be) 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 (County or United Counties, or as the case may be) 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.

Clerk of the Peace.

(S 1.)

Warrant of Distress for Costs of an Appeal Against a Conviction of Order.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }

To all or any of the Constables, or other Peace Officers, in the said (County or United Counties, or as the case may be) of _____:

Whereas (&c., as in the Warrants of Distress, N 1, 2, ante, and 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 (County or United Counties, or as the case may be) 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 of the Peace for the said (County or United Counties, or as the case may be) 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 (County or United Counties, or as the case may be) on or before the _____ day of _____ one thousand eight hundred _____, to be by him handed over to the said C. D.; And whereas the Clerk of the Peace of the said (County or United Counties, or as the case may be) 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 (County or United Counties, or as the case may be) of _____, 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 (County or United Counties, or as the case may be) 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 (County, or as the case may be) aforesaid.

O. K. [L. S.]

(S.2.)

Warrant of Commitment for Want of Distress in the Last Case.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }

To all or any of the Constables, or other Peace Officers, in the said (County or United Counties, or as the case may be) of and to the Keeper of the Common Gaol of the said (County or United Counties, or as the case may be) of at _____ in the said county 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 Warrant to all or any of the Constables and other Peace Officers in the said {County or United Counties, or as the case may be) 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 Common Gaol of the said (County or United Counties of _____ as the case may be,) 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 Common Gaol to receive the said A. B. into your custody in the said Common Gaol, there to imprison him {and keep him at 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 Common Gaol, 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 (County, or as the case may be) aforesaid _____
O. K. [L. S.]

(T)

General Form of Information on Oath.

Province of Canada,
(County or United Counties, or
as the case may be) of _____ }

The information (or complaint) of C. D., of the township of _____ in the said (County or United Counties, or as the case may be) of _____ (laborer) (If preferred by an Attorney or

Agent, say:) "by D. E., his duly authorized Agent (or Attorney), in this behalf, taken upon oath, before me, the undersigned, one of Her Majesty's Justices of the Peace, in and for the said (County or United Counties, or as the case may be) of _____, at N., in the said (County, or as the case may be) of _____, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____, who saith * that (he hath just cause to suspect and believe, and doth suspect and believe that) A. B., of the (township) of _____, in the said (County, or as the case may be) of _____, (within the space of _____, (the time within which the information or complaint must be laid,) last past, to wit, on the day of _____ instant, at the township of _____, in the (County, or as the case may be) aforesaid, did (here set out the offence, &c.) contrary to the form of the Statute in such case made and provided.

C. D. (or D. E.)

Taken and sworn before me, the day and year and at the place above mentioned.

J. S."

Form of Order or Dismissal of an Information or Complaint.

Province of Canada,
(County or United Counties,
or as the case may be) 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 (County or United Counties, or as the case may be) 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 that 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 Common Gaol of the said (County or United Counties, or as the case may be) of _____ at _____ in the said County of _____ (and there kept at 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 and conveying of the said C. D. to the said Common Gaol) shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____ in the (County, or as the case may be) aforesaid.

J. S.

[L. S.]

* If at an adjournment, insert here: "To which day the hearing of this case hath been duly adjourned, of which the said C. D. had due notice."

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

Form of Certificate of Dismissal.

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

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

J. S.

General Form of Notice of Appeal Against a Conviction.

To C. D. of &c., and _____ (the names and additions of the parties to whom the notice of appeal is required to be given.)

Take notice, that I, the undersigned A. B., of &c., do intend to enter and prosecute an appeal at the next General Quarter Sessions of the Peace, to be holden at _____, in and for the (County or United Counties, or as the case may be,) of _____, against a certain conviction {or order} bearing date on or about the _____ day of _____ instant, and made by (you) C. D., Esquire, (one) of Her Majesty's Justices of the Peace for the said (County or United Counties, or as the case may be,) of _____, whereby I, the said A. B., was convicted of having or was ordered to pay _____,

(here state the offence as in the conviction, information or Summons, or the amount adjudged to be paid, as in the order, as correctly as possible): And further, take notice that the grounds of my appeal are, first, that I am not guilty of the said offence; secondly, that the formal conviction drawn up and returned to the Sessions is not in law sufficient to support the said conviction of me the said A. B., (together with any other grounds, care being taken that all are stated, as the Appellant will be precluded from going into any other than those stated.)

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

A. B.

Mem. — If this notice be given by several Defendants, or by an attorney, it can easily be adapted.

Form of Recognizance to Try the Appeal, &c.

Be it remembered, that on _____, A. B., of (laborer,) and L. M. of _____ (grocer) and N. O. of _____ (yeoman,) personally came before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be,) 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. and N. O. the sum of _____, each, of good and lawful money of Canada, 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.

The condition of the within written Recognizance is such, that if the said A. B. shall, at the (next) General Quarter Sessions of the Peace, to be holden at _____, on the day of _____ next, in and for the said (County or United Counties, or as the base may be,) of _____, enter and prosecute an appeal against a certain conviction bearing date _____ the day of _____ instant, and made by me the said Justice, whereby lie the said A. B. was convicted, for that he the said A. B. did on the _____ day of _____, at the township of _____, in the said County or United Counties, or as the case maybe,) of _____, (here set out the offence as stated in the conviction;) And further, that if the said A. B. shall abide by and duly perform the order of the Court to be made upon the trial of such appeal, then the said Recognizance to be void, or else to remain in full force and virtue.

Form of Notice of Such Recognizance to Be Given to the Defendant (Appellant) and His Surety.

Take notice, that you, A. B., are bound in the sum of _____ pounds, and you, L. M. and N. O. in the sum of _____ each, that you the said A. B. at the next General or Quarter Sessions of the Peace to be holden at _____, in and for the said (County or United Counties, or as the case may be) of _____, enter and prosecute an Appeal against a conviction dated the _____ day of _____ (instant,) whereby you, A. B. were convicted of (stating offence shortly), and abide by and perform the Order of the Court to be made upon the trial of such Appeal; and unless you prosecute such Appeal accordingly, the Recognizance entered into by you will forthwith be levied on you.

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

Sureties.

Complain by the Party Threatened for Sureties for the Peace.

Proceed as in the Form (T.) to the asterisk *, then: _____ did, on the _____ day of _____ (instant or last past, as the case may be), threaten the said C. D. in the words or to the effect following, that is to say, (set them out, with the circumstances under which they were used): and that from the above and other threats used by the said A. B. towards the said C. D., he the said C. D. is afraid that the said A. B. will do him some bodily injury, and therefore prays that the said A. B. may be required to find sufficient. Sureties to keep the peace and be of good behaviour towards him the said C. D.; and the said C. D. also saith that he doth not make this complaint against nor require such Sureties from the said A. B. from any malice or ill-will, but merely for the preservation of his person from injury.

Form of Recognizance for the Sessions.

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 (County or United Counties, or as the case may be), of _____ 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 money of Canada, to be made and levied of their 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 men honed, at _____ before us.

J. S.
J. T.

The condition of the within written Recognizance is such, that if the within bounden A. B. (of, &c.) shall appear at the next Court of General or Quarter Sessions of the Peace to be holden in and for the said (County or United Counties, or as the case may be) of _____, to do and receive what shall be then and there enjoined him by the Court, and in the meantime shall keep the peace and be of good behaviour towards Her Majesty and all Her liege people, and especially towards C. D. (of, &c.) for the term of _____ now next ensuing, then the said Recognizance to be void, or else to stand in full force and virtue.

Form of Commitment in Default of Sureties.

Province of Canada,
(County or United Counties,
or as the case may be) of _____ }
}

To the Constable of the _____ in the County of _____ (one of the United Counties of _____, or as the case may be) and to the Keeper of the Common Gaol of the said County (or United Counties, as the case may be) at _____, in the said County (or in the County of _____):

Whereas on the _____ day of _____ instant, complaint on oath was made before the undersigned (or J. L. Esquire,) (one) of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of _____, by C. D. of the township of _____ in the said (County, or as the case may be) (laborer,) that A. B. of, &c., on the day of _____, at the township of _____ aforesaid, did threaten (&c., follow to end of complaint, as in form above, in the past tense, then). And whereas the said A. B. was this day brought and appeared before the said Justice (or J. S. Esquire, one of Her Majesty's Justices of the Peace in and for the said (County or United Counties, or as the case may be) of _____, to answer unto the said complaint: And * having been required by me to enter into his own

Recognizance in the sum of _____ with two sufficient Sureties in the sum of _____ each, as well for his appearance at the next General Quarter Sessions of the Peace, to be held in and for the said (County or United Counties, or as the case may be) of _____, to do what shall be then and there enjoined him by the Court, as also in the meantime to keep the Peace and be of good behaviour towards Her Majesty and all Her liege people, and especially towards the said C. D. hath refused and neglected, and still refuses and neglects to find such Sureties); These are therefore to command you the said Constable of the township of _____ to take the said A. B., and him safely to convey to the (Common Gaol) 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 (Common Goal) to receive the said A. B. into your custody, in the said (Common. Gaol,) there to imprison him* until the said next General Quarter Sessions of the Peace, unless he in the meantime find sufficient Sureties as well for his appearance at. the said Sessions, as in the meantime to keep the peace as aforesaid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the (County, or as the case may be) aforesaid.

J. S. [L. S.]