

third line thereof, the following: "but a judge of the Court of King's Bench may render judgment upon the discontinuance".

Coming into force.

4. This act shall come into force on the day of its sanction.

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Quebec Summary Convictions Act

[Assented to, 21st of March, 1922]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Declaratory and Interpretative Provisions

Short title.

1. This act may be cited under the title of: "Quebec Summary Convictions Act".

Interpretation.

2. In this act, unless the context otherwise requires, the expression:

"Territorial division";

1. "Territorial division" means any district, county, city, town, village municipality, parish municipality, township municipality or other judicial division or place;

"Court";

2. "Court" in the provisions of Part II of this act relating to appeal, or to the stating or signing of a case, means and includes the Court of King's Bench, Crown side;

"District" or "county";

3. "District" or "county" includes any territorial or judicial division or place in and for which there is such justice of the peace, officer or prison as is mentioned in the context;

"Common gaol" or "prison";

4. "Common gaol" or "prison" for the purposes of this act, means any place, other than a penitentiary, in which persons charged with offences are usually kept and detained in custody;

"Justices of the peace".

5. "Justices of the peace" includes also, for the purposes of this act, judges of the sessions, and police and district magistrates.

Application of the Act

Application of act.

3. 1. Subject to the provisions of section 71, this act shall apply:

a. To every general or special act or law of the Province,

hereafter in force, which enacts a penalty or authorizes the issuing of an order for the payment of a sum of money, or for any other object, upon summary proceeding;

b. To any general or special act or law of the Province and to every regulation or by-law passed thereunder, now in force, in which it is enacted that any prosecution for a penalty, fine or imprisonment, incurred for contravention of any provision thereof, or the obtaining of an order for the payment of a sum of money, or for any other object, be made in a summary way or by summary conviction;

c. To every general or special act or law of the Province, now in force, in which there is no provision for the prosecution for penalties, fines or imprisonment for contravention of any of the provisions thereof or of those of the regulations or by-laws enacted thereunder, or for the issuing of an order for the payment of a sum of money, or for any other object;

d. To every general or special act or law of the Province, now in force, in which it is enacted that the procedure governing the prosecution for penalties, fines or imprisonment for contravention of any provisions thereof or of the regulations or by-laws enacted thereunder, or the obtaining of orders for the payment of a sum of money or for any other object, is that prescribed by Part XV of the Criminal Code of Canada or by any act or law previous thereto for which the said Part XV has been substituted.

2. Nevertheless, if a statute now in force contains deroga-^{Derogations}tions from Part XV of the Criminal Code or from the^{from Part} acts or laws previous thereto and for which such Part XV^{XV of Cr.} was substituted, such derogations shall continue in force,^{C., remain} in force, and apply, notwithstanding the provisions of this act.

PART I

Jurisdiction

4. 1. Every complaint and information shall be heard, ^{Hearing} tried, determined and adjudged by one justice of the peace ^{by one} unless the act or law upon which such complaint or in-^{or more}formation is framed or any other act or law in that behalf ^{justices.} directs that the complaint or information be heard, tried, determined and adjudged by two or more justices of the peace.

2. The complaint or information shall be heard, tried, ^{Place of} determined and adjudged by the justice of the peace for ^{hearing.} the territorial division where the matter of the complaint or information arose, and in such territorial division.

One justice may do all acts before hearing.

5. 1. Any one justice of the peace may receive the information or complaint, and grant a summons or warrant thereon, against the accused, and issue his summons or warrant to compel the attendance of witnesses for either party, and do other acts and matters necessary to the hearing, even if by the statute it is provided that the information or complaint shall be heard and determined by two or more justices of the peace.

And after hearing.

2. After a case has been heard and determined one justice of the peace may issue warrants of distress or commitment thereon.

Need not be same justice.

3. It shall not be necessary for the justice of the peace who acts before or after the hearing to be the justice or one of the justices by whom the case is to be or has been heard and determined.

Justices must be present together when acting.

4. If it is required by any act or law that an information or complaint shall be heard and determined by two or more justices of the peace, or that a conviction or order shall be made by two or more justices of the peace, such justices shall be present and acting together during the whole of the hearing and determination of the case.

A judge of sessions of the peace, etc., authorized to take place of two justices.

6. Any judge of the sessions of the peace, police magistrate, district magistrate or recorder, appointed for any territorial division, and any magistrate authorized to perform acts usually required to be done by two or more justices of the peace, may do alone whatever is authorized by an act of this Province to be done by any two or more justices of the peace.

Special jurisdiction

Jurisdiction:
On water between jurisdictions;

7. For the purposes of this act,—

a. where the offence is committed in or upon any water, or upon any bridge, between two or more territorial divisions, such offence may be considered as having been committed in either of such divisions;

Near boundary between jurisdictions;

b. where the offence is committed on the boundary of two or more territorial divisions, or within the distance of five hundred yards from any such boundary, or is begun within one such division and completed within another, such offence may be considered as having been committed in any one of such divisions;

In a vehicle, etc.,

c. where the offence is committed on any person, or in respect of any property, in or upon any vehicle employed in a journey, or on board any vessel employed on any navigable river, canal or other inland navigation, the person accused shall be considered

as having committed such offence in any territorial division through which such vehicle or vessel passed in the course of the journey or voyage during which the offence was committed; and where the centre or other part of the road, or any navigable river, canal or other inland navigation along which the vehicle or vessel passed in the course of such journey or voyage, is the boundary of two or more territorial divisions, the person accused of having committed the offence may be considered as having committed it in any one of such divisions.

Search Warrants

8. Any justice who is satisfied by information upon oath in form A, that there is reasonable ground for believing that there is in any building, receptacle, or place,—

Information for search warrant.

- a. anything upon or in respect of which any offence punishable on summary conviction under this act has been or is suspected to have been committed; or,
- b. anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence; or,
- c. anything which there is reasonable ground to believe is intended to be used for the purpose of committing any such offence,—

may at any time issue a warrant under his hand authorizing a constable or any other person, named therein, to search such building, receptacle or place, for any such thing, and to seize and carry it before the justice of the peace issuing the warrant, or some other justice of the peace for the same territorial division, to be by him dealt with according to law.

Search warrant.

9. If the building, receptacle or place, in which such thing as aforesaid is reputed to be, is in some other district or territorial division, the justice of the peace may nevertheless issue his warrant in like form modified according to the circumstances, and such warrant may be executed in such other district or territorial division upon being endorsed by some justice of the peace of that district or territorial division; such endorsement to be in form B.

Execution of search warrants outside of jurisdiction.

Form.

10. 1. Every search warrant shall be executed by day, unless the justice shall by the warrant authorize the constable or other person to execute it at night.

Execution of search warrant.

Form. 2. The search warrant may be in form C.

Retention of things seized. **11.** 1. When any such thing is seized and brought before a justice of the peace, he may retain it, taking reasonable care to preserve it for the purpose of evidence on the trial.

Restoration. 2. If no one is committed, the justice of the peace shall direct such thing to be restored to the person from whom it was taken, unless he is authorized or required by law to dispose of it otherwise.

Information and Complaint

Information taken down in writing. **12.** 1. The information shall always be taken down in writing, but it shall not be necessary that any complaint, upon which a justice of the peace may issue an order for the payment of money, or for any other object, be in writing, unless there be a special provision to that effect.

Proviso. 2. Every complaint upon which a justice of the peace is authorized by law to issue an order, and every information respecting any offence or act punishable on summary conviction, unless there be a special provision to that effect, may be made or had without any oath or affirmation as to the truth thereof, except when a warrant is issued in the first instance upon an information.

Oath not required. 3. Every complaint shall be for one matter of complaint only, and not for two or more, and every information shall be for one offence only, and not for two or more.

For one offence or matter. 4. Every complaint or information may be laid or made by the complainant or informant in person, or by his counsel or other person authorized in that behalf, or by any person whatever when it is not required by law that the complainant or informant must have a personal interest therein.

May be laid by agent, etc. **13.** 1. The complaint or information must be based upon reasonable and probable cause, and must be brought,—

Upon what complaint is based and before whom it is brought. *a.* before a justice of the peace, and allege that any person has committed or is suspected of having committed within the limits over which such justice has jurisdiction any offence or act for which he is liable by law on summary conviction to be imprisoned or fined or otherwise punished; or *b.* before any such justice of the peace, and be relative to any matter respecting which the complainant is authorized by law to exact the payment of money or to obtain any other order.

2. The complaint or information on reasonable or probable cause may, notwithstanding the provisions of paragraph 1 of this section, be brought before a justice of the peace of the territorial division in which the accused is or is suspected of being, if such complaint or information alleges that the latter has committed or is suspected of having committed, within the limits of any other territorial jurisdiction of a justice of the peace, an offence:

Complaint brought before a justice of another territorial division, in certain cases.

- a. which renders him liable, upon summary conviction, to imprisonment, fine, or any other penalty; or
- b. relating to any other matter, respecting which the complainant is authorized by law to exact the payment of a sum of money or to obtain any other order.

In either the one or the other of such cases, notwithstanding section 4, the case may be heard, tried, determined and adjudged by the justice of the peace or any other justice of the peace for the territorial division where the person is arrested or served, if the latter consents thereto in writing, if not, the judge notes on the back of the warrant or of the summons the refusal of the accused to submit to trial before him, and the case is then heard, tried, determined and adjudged in the territorial division mentioned in section 4; and the justice issues for such purpose, as well for the transfer of the record as for the appearance of the accused, including therein admission to bail or his committal to gaol in the last-mentioned division, the orders he deems necessary.

Procedure and hearing of the case.

3. Such information or complaint may be in form D. Form.

Summons or Warrant

14. 1. Upon receiving any such complaint or information the justice of the peace shall hear and consider the allegations of the complainant and, if the justice considers it desirable or necessary, the evidence of any witness or witnesses; and if the justice is of opinion that a case for so doing is made out he shall issue a summons, or warrant, as the case may be, in the manner hereinafter provided.

Summons or warrant.

2. The justice of the peace shall, in connection with such hearing, have the same power of procuring the attendance of witnesses and of compelling them to testify as that with respect to the summoning and appearance of witnesses at the trial.

Power of the justice concerning witnesses.

3. The evidence of witnesses, if any, at such hearing, shall be given upon oath.

Evidence given upon oath.

4. Such justice of the peace shall not refuse to issue such summons or warrant only because the alleged offence is

Compulsory warrant.

one for which an offender may be arrested without warrant.

- Summons.** **15.** 1. Every summons issued by a justice of the peace under this act shall be directed to the accused, and shall require him to appear at a time and place to be therein mentioned.
- Form.** 2. Such summons may be in form E.
- In blank.** 3. No summons shall be signed in blank.
- Service.** 4. Every summons shall be served by a constable or other peace officer or by a bailiff of the Superior Court upon the person to whom it is directed, either by delivering it to him personally or, if such person cannot conveniently be met with, by leaving it for him at his last or most usual place of abode with some inmate thereof apparently not under sixteen years of age.
- Proof of service.** 5. The service of any such summons may be proved by the oral testimony, under oath or affirmation, of the person effecting the same, or by the affidavit of such person made before a justice of the peace.
- Summons, when served upon a corporation.** **16.** 1. When the defendant is a municipal corporation the summons may be served on the mayor or chief officer of the corporation, or upon the clerk or secretary-treasurer of the municipality, and in the case of any other corporation, on the president, secretary or manager, and it may be in the same form as if the defendant were a natural person.
- Appearance.** 2. A corporation appears by attorney, and if it does not appear the justice may proceed as in other cases.
- Copies furnished by the justice.** **17.** Whenever a warrant is issued in the first instance against a person charged with an offence punishable under the provisions of this act, the justice of the peace issuing it shall furnish a copy or copies thereof; one of such copies shall be given to the person arrested at the time of such arrest.
- Warrant for apprehension.** **18.** 1. The warrant issued by a justice of the peace for the apprehension of the person against whom an information or complaint has been laid, as provided in section 13, may be in form F.
- Form.** 2. No such warrant shall be signed in blank.
- In blank.**
- Formalities of warrant.** **19.** 1. Every warrant shall be signed by the justice or justices of the peace issuing the same, and may be directed, either to any constable by name, or to such con-

stable and all other constables within the territorial jurisdiction of the justice or justices of the peace issuing it, or generally to all constables within such jurisdiction, or to all other persons authorized by any act or law to execute it.

2. The warrant shall state shortly the offence for which it is issued, and shall name or otherwise describe the accused; and it shall order the officer or officers to whom it is directed to apprehend the accused and bring him before the justice or justices of the peace issuing the warrant, or before some other justice or other justices of the peace having jurisdiction to hear, try, determine and adjudge the charge contained in the information or complaint, and to be further dealt with according to law. Contents of warrant.

3. It shall not be necessary to make such warrant returnable at any particular time, but the same shall remain in force until it is executed. No return day.

4. The fact that a summons has been issued shall not prevent any justice of the peace from issuing a warrant at any time before or after the time mentioned in the summons for the appearance of the accused. Summons not to prevent warrant.

5. In case the service of the summons has been proved and the accused does not appear, or when it appears that the summons cannot be served, a warrant in form G may issue. Warrant in default. Form.

20. 1. Every such warrant may be executed by any constable named therein or by any one of the constables to whom it is directed, whether or not the place in which it is to be executed be within the place for which he is a constable. Where and how executed.

2. Every such warrant may be executed by any constable named therein or by any one of the constables to whom it is directed, whether or not the place in which it is to be executed be within the place for which he is a constable. By whom.

3. Every warrant authorized by this act may be issued and executed on a Sunday or legal holiday. On holiday.

21. 1. If the person against whom any warrant has been issued cannot be found within the jurisdiction of the justice of the peace by whom the same was issued, but is or is suspected to be in any other part of the Province, any justice of the peace within whose jurisdiction he is or is suspected to be, upon proof being made on oath or affirmation of the handwriting of the justice of the peace who issued the same, shall make an endorsement on the warrant, Endorsement of warrant.

signed with his name, authorizing the execution thereof within his jurisdiction.

Effect of endorsement.

2. Such endorsement shall be sufficient authority to the person bringing such warrant, and to all other persons to whom the same was originally directed, and also to all constables of the territorial division where the warrant has been so endorsed, to execute the same therein and to carry the person against whom the warrant issued, when apprehended, before the justice who issued the warrant or before some other justice for the same territorial division.

Form.

3. Such endorsement may be in form H.

Proceedings upon warrant for apprehension where offender in prison.

4. If the person against whom such warrant has been issued is then confined for some other cause in any prison within the Province, then, upon application to a judge of the Superior Court, to a judge of the sessions of the peace, to a police magistrate, or to a district magistrate, and upon production to him of the warrant with an affidavit setting forth the above facts, such judge or such magistrate may, if he is satisfied that the ends of justice require it, make an order in writing addressed to the warden or keeper of such prison, or to the sheriff or other person having the custody of the prisoner, to bring up the body of such person before a justice of the peace having jurisdiction to try the case, and to produce him before such justice of the peace, from day to day, as may be necessary for the purposes of such trial; and such warden, keeper, sheriff or other person, upon being paid his charges in that behalf, shall obey such order.

Backing warrants.

5. The provisions of this section relating to the endorsement of warrants shall apply to the case of any warrant issued under the provisions of this act against the accused, whether before or after conviction, and whether for the apprehension or imprisonment of any such person.

Procuring attendance of Witnesses

Summons for witness.

22. 1. If it appear to the justice of the peace that any person being or residing within the Province is likely to give material evidence either for the prosecution or for the accused, he may issue a summons under his hand, requiring such person to appear before him at a time and place, mentioned therein, to give evidence, and to bring with him any documents in his possession or under his control relating thereto.

Form.

2. Such summons may be in form I.

23. Every such summons shall be served by a constable or other peace officer upon the person to whom it is directed, either by delivering it to him personally or, if such person cannot conveniently be met with, by leaving it for him at his last or most usual place of abode with some inmate thereof apparently not under sixteen years of age.

Service of
summons
for witness.

24. 1. If any one to whom such last-mentioned summons is directed does not appear at the time and place appointed thereby, and no just excuse is offered for such non-appearance, then, after verbal proof, upon oath or affirmation, by the person who has made the service, or on the production of his affidavit attesting that such summons has been served as aforesaid, or that the person to whom the summons is directed is keeping out of the way to avoid service, if the justice of the peace, before whom such person ought to have appeared, is satisfied by proof on oath that such person is likely to give material evidence, he may issue a warrant, under his hand, to bring such person at a time and place, to be therein mentioned, to testify before him or any other justice of the peace.

Warrant for
witness
after
summons.

2. The warrant may be in form J.

Form.

3. Such warrant may be executed anywhere within the territorial jurisdiction of the justice of the peace by whom it is issued, or anywhere in the Province after having been endorsed in conformity with section 21.

Execution.

Endorsement.

25. 1. If a person summoned as a witness is brought before a justice of the peace on a warrant issued in consequence of refusal to obey the summons, such person may be detained on such warrant before the justice of the peace who issued the summons, or before any other justice of the peace in and for the same territorial division, who shall then be there, or in the common gaol, or any other place of confinement, or in the custody of the person having him in charge, with a view to secure his presence as a witness on the day fixed for the trial, or, in the discretion of the justice of the peace, released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer as for contempt for his default in not attending upon the said summons.

Procedure
against
defaulting
witness.

2. The justice may, in a summary manner, examine into and dispose of the charge of contempt brought against such person, who, if found guilty, shall be liable to a fine not exceeding twenty dollars, or to imprisonment in the common gaol, for a term not exceeding one month, or to

Penalty for
contempt.

both such fine and imprisonment. He may also be ordered to pay the costs incident to the service and execution of the said summons and warrant and of his detention.

Form.

3. The conviction under this section may be in form K.

Warrant
for witness
in first
instance.

26. 1. If the justice of the peace is satisfied by evidence on oath that any person within the Province, likely to give material evidence either for the prosecution or for the defence, will not attend to give evidence without being compelled so to do, then instead of issuing a summons, he may issue a warrant for such person in the first instance.

Form, etc.

2. Such warrant may be in form L, and may be executed anywhere within the jurisdiction of such justice of the peace, or, if necessary, endorsed as provided in section 21, and executed anywhere in the Province out of such jurisdiction.

Trial

Hearing in
open court.

27. The room or place in which the justice of the peace sits to hear and try any 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.

Hearing
in camera.

Nevertheless, the justice of the peace may order a hearing *in camera*, if he thinks proper.

Counsel for
defendant.

28. 1. The person against whom the 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 personally or by counsel, on his behalf.

Counsel for
complainant
or infor-
mant.

2. The complainant or informant shall be at liberty to conduct the prosecution upon the complaint or information, and to examine and cross-examine the witnesses, personally or by counsel on his behalf.

Evidence
to be on
oath.

29. 1. The justice of the peace before whom a witness appears may examine such witness upon oath or affirmation.

By whom
adminis-
tered.

2. Such justice of the peace shall have full power and authority to administer the oath to witnesses.

Proof of an
exception,
etc., by the
defendant.

30. 1. Any exception, exemption, restriction, excuse or limitation, whether it does or does not accompany the description of the offence in the enactment creating the

offence, may be proved by the defendant or the accused, but need not be specified or negatived in the information or complaint, and whether it is or is not so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

2. Whenever it appears that the accused has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty, it shall be incumbent upon the accused to prove that he is duly licensed.

31. If the accused does not appear at the time and place fixed in the summons, and if it appears to the satisfaction of the justice of the peace that the summons was duly served a reasonable time before the time appointed for appearance, such justice of the peace may proceed *ex parte* to hear and determine the case in the absence of the accused, as fully and effectually as if the accused had personally appeared; or the justice of the peace may, if he thinks fit, issue his warrant as provided by sections 18 and 19 and adjourn the hearing of the complaint or information until the accused is apprehended.

32. If, upon the day and at the place so appointed, the accused appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the justice of the peace by virtue of a warrant, and if the complainant or informant, having had due notice, does not appear personally or by counsel, the justice of the peace shall dismiss the complaint or information, unless for any reason he thinks proper to adjourn the hearing of the same until some other day upon such conditions as he thinks fit.

33. If both parties appear, either personally or by their respective counsel, before the justice of the peace who is to hear and determine the complaint or information, such justice shall proceed to hear and determine the same.

34. 1. If the accused is personally present at the hearing the substance of the information or complaint shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted, or why an order should not be made against him, as the case may be.

Conviction or order if charge admitted.

2. If the accused thereupon admits the truth of the information or complaint, and shows no sufficient cause why he should not be convicted, or why an order should not be made against him, as the case may be, the justice present at the hearing shall convict him or make an order against him accordingly.

Written authority for plea of guilty.

3. If the accused is not personally present before the justice of the peace, the latter must require, from the counsel of the accused who enters a plea of guilty, a writing from his client authorizing the same.

If charge not admitted.

35. 1. If the accused does not admit the truth of the information or complaint, the justice of the peace shall proceed to inquire into the charge, and for the purposes of such inquiry shall hear the evidence of witnesses both for the complainant and accused in the manner hereinafter provided.

Evidence given upon oath.

2. The evidence of the said witnesses shall be given upon oath or affirmation and in the presence of the accused or, if he is absent, in the presence of his counsel.

How depositions taken.

36. The depositions shall not be taken down in writing; nevertheless, they shall be so taken down, if the Attorney-General or his representative requires it, and in such case, the costs occasioned thereby shall not be taxable.

Idem.

On the application of the prosecution or of the defence, the justice of the peace may cause the depositions to be taken down in writing or by stenography, if the party applying therefor assumes the costs thereof, and such costs shall not be taxable.

Depositions signed by justice or attested by stenographer.

The depositions need not be signed by the witnesses, it suffices if they be signed by the justice of the peace or if their correctness be attested by the stenographer under the oath he is obliged to take before taking down such depositions.

Form.

The depositions and stenographer's oath may be taken in accordance with form M.

Witnesses for the defence.

37. After the evidence of the witnesses for the complainant has been taken, witnesses called by the defence shall be heard.

Evidence in rebuttal.

38. The prosecutor or complainant shall not be entitled to produce evidence in rebuttal if the accused has not adduced any evidence other than as to his general character.

39. Nothing contained in this act shall prevent any prosecutor from giving in evidence an admission or confession, or other statement, made at any time by the person accused or charged, which by law would be admissible as evidence against him. Confession or admission of accused.

40. 1. Whenever any person appearing, either in obedience to a summons, or by virtue of a warrant, or being present and being required by the justice of the peace to give evidence, refuses to be sworn, or having been sworn, refuses to answer such questions as are put to him, or refuses or neglects to produce any document he is ordered to produce, without in any such case offering any just excuse for such refusal, such justice of the peace may adjourn the proceedings for a period not exceeding eight clear days, and may at the same time, by warrant in form N, commit the person so refusing to gaol, unless he sooner consents to obey the orders of the justice of the peace. Witness refusing to be examined. Form. Commitment to gaol.

2. If such person, upon being brought up upon such adjourned hearing, again refuses to obey the orders of the justice of the peace, the latter, if he sees fit, may again adjourn the proceedings, and commit him for the like period, and so again from time to time until such person consents to obey his orders. Further commitment.

3. Nothing in this section shall prevent such justice of the peace from disposing of the case in the meantime, according to any other sufficient evidence given before him. Decision of case.

41. Part I of the Canada Evidence Act shall apply to every proceeding under this act relating to the prosecution of any offence upon information. Application of Part I of the Can. Evidence Act.

42. 1. Before or during the hearing upon any information or complaint the justice of the peace may, in his discretion, adjourn the hearing of the case to a certain time or place then appointed and stated in the presence and hearing of the party or parties, or of their respective counsel then present, but no such adjournment shall be for more than fifteen days except with the consent of the parties. Adjournment.

2. If, at the time and place to which the hearing or further hearing is adjourned, either or both of the parties do not appear, personally or by his or their counsel respectively, before the justice of the peace or such other justices of the peace as shall then be there, the justice of the peace who is there may proceed to the hearing or further hearing as if the party or parties were present. Hearing at time to which adjourned.

3. If the prosecutor or complainant does not appear, the Prosecutor

not appearing.

justice of the peace may dismiss the information, with or without costs, as to him seems fit.

Accused may go at large, be committed or put under recognizance.

4. Whenever any justice of the peace adjourns the hearing of any case he may suffer the accused to go at large or may commit him to the common gaol or other prison within the territorial division for which such justice of the peace is then acting, or to such other safe custody as such justice of the peace thinks fit, or may discharge the accused upon his recognizance, with or without sureties at the discretion of such justice of the peace, conditioned for his appearance at the time and place to which such hearing or further hearing is adjourned.

Forms.

5. The remand of the accused may be in the form O, and the recognizance of bail, in lieu of or after a remand, may be in form P.

Warrant may issue for non-appearance.

6. Whenever any accused who is discharged upon recognizance, or allowed to go at large, does not appear at the time mentioned in the recognizance or to which the hearing or further hearing is adjourned, the justice of the peace may issue his warrant for his apprehension.

Adjudication

Judgment.

43. The justice of the peace, having heard what each party has to say, and the witnesses and evidence adduced, shall consider the whole matter, and, unless otherwise provided, determine the same and convict or make an order against the accused, or dismiss the information or complaint, as the case may be.

Memo of conviction or order.

44. If the justice of the peace convicts or makes an order against the accused, a minute or memorandum thereof may then be made, and the conviction or order, in such case, shall afterwards be drawn up by the justice of the peace, under his hand, in such one of the forms of conviction or of orders from Q to V, inclusive, as is applicable to the case.

Forms.

Order of dismissal; certificate of dismissal.
Form.

45. If the justice of the peace dismisses the information or complaint, he may, when required so to do, make an order of dismissal in form W, and he shall give the accused a certificate in form X, which, upon being afterwards produced, shall, without further proof, be a bar to any subsequent information or complaint for the same matter, against the same person.

Service of minute of order.

46. 1. Whenever, by any act or law, authority is given to commit a person to prison, or to levy any sum

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upon his goods or chattels by distress, for not obeying an order of a justice of the peace, such person shall be served with a copy of the minute of the order before any warrant of commitment or of distress is issued in that behalf.

2. The order or minute shall not form part of the warrant of commitment or of distress. No part of warrant.

47. In every case of a summary conviction, or of an order issued by a justice of the peace, such justice may, in his discretion, order by the conviction or order that the defendant shall pay to the prosecutor or complainant such costs as to the said justice seem reasonable and in conformity with the tariff of fees established by law. Costs on conviction or order.

48. If the justice of the peace, instead of convicting or making an order, dismisses the information or complaint, he may, in his discretion, in and by his order of dismissal, order that the prosecutor or complainant shall pay to the accused such costs as to the said justice seem reasonable and consistent with law. Costs on dismissal.

49. The sums so allowed for costs shall, in all cases, be specified in the conviction or order, or order of dismissal, and the same shall be recoverable in the same manner and under the same warrants as any penalty, adjudged to be paid by the conviction or order, is to be recovered. Recovery of costs.

50. If there is no such penalty to be recovered, such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of distress, by imprisonment, for any term not exceeding one month. Recovery of costs only.

The fees mentioned in the tariff now in force or that which may be substituted therefor by the Lieutenant-Governor in Council shall be those exigible in proceedings under this act. Tariff of fees.

51. Whenever a conviction adjudges a pecuniary penalty or compensation to be paid, or an order requires the payment of a sum of money, whether the act or law authorizing such conviction or order does or does not provide a mode of raising or levying the penalty, compensation or sum of money, or of enforcing the payment thereof, the justice of the peace by his conviction or order, after adjudging payment of such penalty, compensation or sum of money, with or without costs, may order and adjudge,— Conviction or order involving payment of money.

Distress and imprisonment in default.

a. that in default of payment thereof forthwith, or within a limited time, such penalty, compensation or sum of money and costs, if the conviction or order is made with costs, shall be levied by distress and sale of the goods and chattels of the defendant, and, if sufficient distress cannot be found, that the defendant be imprisoned in the manner and for the time directed by the act or law authorizing such conviction or order or by this act, or for any period not exceeding three months, if the act or law authorizing the conviction or order does not specify imprisonment, or does not specify any term of imprisonment, unless such penalty, compensation or sum of money and costs, if the conviction or order is made with costs, and the costs and charges of the distress and of the commitment and of the conveying of the defendant to gaol, are sooner paid; or,

Imprisonment in the first instance in default.

b. that in default of payment of the said penalty, compensation or sum of money, and costs, if any, forthwith or within a limited time, the defendant be imprisoned in the manner and for the time mentioned in the said act or law, or for any period not exceeding three months, if the act or law authorizing the conviction or order does not specify imprisonment, or does not specify any term of imprisonment, unless the same and the costs and charges of the commitment and of the conveying of the defendant to gaol are sooner paid.

Imprisonment.

52. 1. Where, by virtue of an act or law so authorizing, the justice of the peace by his conviction adjudges against the defendant or accused payment of a penalty or compensation, and also imprisonment, as punishment for an offence, he may, if he thinks fit, order that the imprisonment in default of distress or of payment, shall commence at the expiration of the imprisonment awarded as a punishment for the offence.

Procedure.

2. The like proceeding may be held upon any conviction or order made in accordance with this or the last preceding section, as if the act or law authorizing the conviction or order had expressly provided for a conviction or order in the terms permitted by this or the last preceding section.

Enforcing Adjudication

Distress warrant.

53. 1. The justice of the peace making the conviction or order mentioned in paragraph *a* of section 51 may issue

a warrant of distress in form Y or Z, as the case may be, and in the case of a conviction or order under paragraph *b* of the said section 51, a warrant in one of the forms AA or Form. BB may issue.

2. If a warrant of distress is issued and the constable or peace officer charged with the execution thereof returns (in the form CC) that he can find no goods or chattels whereon to levy thereunder, the justice of the peace may issue a warrant of commitment in form DD.

3. When a conviction or an order adjudges imprisonment in the first instance, the warrant of commitment may be in form EE.

54. 1. When any information or complaint is dismissed with costs the justice of the peace may issue a warrant of distress and commitment for costs. on the goods and chattels of the prosecutor or complainant, in form FF, for the amount of such costs; and, in default of distress, a warrant of commitment in form GG may issue.

2. The term of imprisonment in such case shall not exceed one month.

55. 1. If, after delivery of any warrant of distress to the constable or constables to whom the same has been directed to be executed, sufficient distress cannot be found within the limits of the jurisdiction of the justice of the peace granting the warrant, then upon proof being made upon oath or affirmation of the handwriting of the justice of the peace granting the warrant, before any justice of the peace of any other territorial division, such justice of the peace shall thereupon make an endorsement on the warrant, signed with this hand, authorizing the execution of the warrant within the limits of his jurisdiction, by virtue of which warrant and endorsement the penalty or sum and costs, or so much thereof as has not been before levied or paid, with costs, shall be levied by the person bringing the warrant, or by the person or persons to whom the warrant was originally directed, or by any constable or other peace officer of the last mentioned territorial division, by distress and sale of the goods and chattels of the defendant therein.

2. Such endorsement may be in form HH. Form.

56. Whenever it appears to any justice of the peace that the issuing of a distress warrant would be ruinous to the defendant and his family, or whenever it appears to the justice of the peace, by the confession of the defendant or

otherwise, that he has no goods and chattels whereon to levy such distress, then the justice of the peace, if he deems fit, instead of issuing a warrant of distress, may commit the defendant to the common gaol in the territorial division, there to be imprisoned, for the time and in the manner he would have been committed in case such warrant of distress had issued and no sufficient distress had been found.

Proceedings
pending
execution
of distress
warrant.

57. Whenever a justice of the peace issues a warrant of distress as hereinbefore provided, he may suffer the defendant to go at large, or verbally, or by a warrant in that behalf, may order the defendant to be kept and detained in safe custody, until return has been made to the warrant of distress, unless the defendant gives sufficient security, by recognizance or otherwise, to the satisfaction of the justice of the peace, for his appearance, at the time and place appointed for the return of the warrant of distress, before him or before such other justice of the peace for the same territorial division as shall then be there.

Commit-
ment when
party in
prison.

58. 1. Whenever a justice of the peace, upon any information or complaint, adjudges the accused to be imprisoned, and the accused is then in prison undergoing imprisonment upon conviction for any other offence, the warrant of commitment for the subsequent offence shall be forthwith delivered to the gaoler or other officer to whom it is directed.

Cumulative
punishment.

2. The justice of the peace who issued the same, if he thinks fit, may prescribe and order therein that the imprisonment for the subsequent offence shall commence at the expiration of the term of imprisonment to which the accused was previously sentenced.

Tender or
payment on
distress
warrant.

59. 1. Whenever a warrant of distress has issued against any person, and such person pays or tenders to the peace officer, having the execution of the same, the sum or sums in the warrant mentioned, together with the amount of the costs and charges of the distress up to the time of payment or tender, the peace officer shall cease to execute the same.

Payment
to keeper
when party
in prison.

2. Whenever any person is imprisoned for non-payment of any penalty or other sum, he may pay or cause to be paid to the keeper of the gaol in which he is imprisoned the sum in the warrant of commitment mentioned, together with the amount of the costs and charges therein also mentioned, and the keeper shall receive the same,

and shall thereupon discharge the person, if he is in his custody for no other matter.

3. Such keeper shall forthwith pay over any moneys so received by him to the clerk of the peace of the district in which the warrant issued, to be dealt with according to law. Payment to the clerk of the peace.

60. 1. The constable or any of the constables, or any person to whom any warrant of commitment authorized by this or any other act or law is directed, shall convey the accused person therein named or described to the gaol mentioned in such warrant, and there deliver him, together with the warrant, to the keeper of such gaol, who shall thereupon give the constable or other person, delivering the prisoner into his custody, a receipt for the prisoner, setting forth the state and condition of the prisoner when so delivered. Delivery of accused to keeper under warrant.

2. Such receipt shall be in the form II. Form.

3. It shall not be necessary to give such receipt to a constable or other person delivering a prisoner to the custody of the keeper or other person in charge of a municipal lock-up or of any other place of detention which is not a common gaol. When receipt not required.

Defects and Objections

61. 1. No information, complaint, warrant, conviction or other proceeding under this act shall be deemed objectionable or insufficient on any of the following grounds, that is to say,— Proceedings not objectionable on certain grounds.

- a. that it does not contain the name of the person injured, or intended or attempted to be injured; or,
- b. that it does not state who is the owner of any property therein mentioned; or,
- c. that it does not specify the means by which the offence was committed; or,
- d. that it does not name or describe with precision any person or thing.

2. The justice of the peace may, if satisfied that it is necessary for a fair trial, order that a particular, further describing such means, person, place or thing, be furnished by the prosecutor. Particulars may be ordered.

3. The description of any offence in the words of the enactment creating the offence, or any similar words, shall be sufficient. Description of offence in words of act.

62. 1. No objection shall be allowed to any information, complaint, summons or warrant for any defect Variance or defect.

therein, in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence adduced on the part of the informant or complainant at the hearing upon such information or complaint.

Not material, as to time when.

2. Any variance between the information and the evidence adduced in support thereof, as to the time at which such offence or act is alleged to have been committed, shall not be deemed material if it is proved that such information was, in fact, laid within the time limited by law for laying the same.

Not material, as to place where.

3. Any variance between the information and the evidence adduced in support thereof, as to the place in which the offence or act is alleged to have been committed, shall not be deemed material if the offence or act is proved to have been committed within the jurisdiction of the justice of the peace by whom the information is heard and determined or before the justice of the peace having jurisdiction by virtue of the consent given by the accused under section 13.

Adjournment in certain cases.

4. If any such variance, or any other variance between the information, complaint, summons or warrant, and the evidence adduced in support thereof, appears to the justice of the peace present and acting at the hearing to be such that the defendant has been thereby deceived or misled, the justice of the peace may, upon such terms as he thinks fit, adjourn the hearing of the case to some future day.

Proceedings not objectionable on certain other grounds.

63. No information, summons, conviction, order or other proceeding shall be held to charge two offences, or shall be held to be uncertain on account of its stating the offence to have been committed in different modes, or in respect of one or other of several articles, either conjunctively or disjunctively.

Recognizances and Warrants of Deliverance

Justices to certify default.

64. 1. Whenever a person gives security by or is discharged upon recognizance and does not afterwards appear at the time and place mentioned in the recognizance, or whenever the conditions or any of them in any recognizance entered into by an applicant to whom a case stated by a justice under this act has been delivered, have not been complied with, the justice of the peace who took the recognizance, or any justice of the peace who is then present, having certified upon the back of the recognizance the non-appearance of the person or the non-compliance with the condition, as the case may be, shall transmit such

recognizance, to be proceeded with, in conformity with the provisions of articles 3393 to 3400, inclusive, of the Revised Statutes, 1909.

2. Such certificate shall be *prima facie* evidence of such Evidence. non-appearance or non-compliance.

3. Such certificate may be in form JJ. Form.

65. 1. Whenever any justice or justices of the peace Warrant of admit to bail any person who is then in any gaol charged deliverance. with the offence for which he is so admitted to bail, such justice or justices shall send to or cause to be lodged with the keeper of such gaol, a warrant of deliverance, under his or their hands, requiring the said keeper to discharge the person so admitted to bail if he is detained for no other offence; and upon such warrant of deliverance being delivered to or lodged with such keeper, he shall forthwith obey the same.

2. Such warrant of deliverance may be in form KK. Form.

Punishment Generally

66. Whenever a person doing a certain act is declared to Punishment be guilty of any offence, and to be liable to punishment only after therefor, such person shall only be deemed guilty of such conviction. offence and liable to such punishment after being duly convicted of such act.

67. Whenever it is provided that the offender shall be Degrees in liable to different degrees or kinds of punishment, the pu- punishment. nishment to be inflicted shall, subject to the limitations contained in the enactment thereof, be in the discretion of the court or justice before which or whom the conviction takes place.

68. 1. Whenever a fine may be awarded or a penalty Fine or imposed for any offence, the amount of such fine or penalty penalty in shall, within such limits, if any, as are prescribed in that discretion of court. behalf, be in the discretion of the court or person passing sentence or convicting, as the case may be.

2. The term of imprisonment in pursuance of any con-Commence- viction shall, unless otherwise directed in the conviction, ment and commence on and from the day of imprisonment following duration of term of the conviction, but no time during which the convict is imprison- of term of out on bail or during an escape shall be reckoned as part ment. of the term of imprisonment to which he is condemned.

Order in Court

Preserving
order in
court.

69. Every judge of the sessions, police magistrate or district magistrate shall have the same powers and authority to preserve order in courts held by them, 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 the Superior Court or by the judges of such court, during the sittings thereof.

Resistance
to execution
of process.

70. Every justice of the peace, whenever any resistance is offered to the execution of any summons, warrant of execution or other process issued by him, may enforce the due execution of the same by the means provided by the law for enforcing the execution of the process of the Superior Court in like cases.

PART II

Application of this Part

Application
of this Part.

71. This Part shall apply only in the following cases:

1. Whenever a general or special act or law, now in force, under which a penalty, fine or imprisonment may be imposed or an order issued upon summary proceeding, summary conviction or under Part XV of the Criminal Code, enacts that there may be an appeal from the conviction rendered or the order issued;

2. Whenever a general or special act or law, passed in future, under which a penalty, fine or imprisonment may be imposed or an order issued, enacts specially that this Part shall apply or that there shall be an appeal from the conviction rendered or the order issued.

Appeal

Appeal.

72. In the cases provided for in section 71, any person who thinks himself aggrieved by any conviction, order or dismissal, the prosecutor or complainant, as well as the defendant or the accused, may appeal to the Court of King's Bench, Crown side, sitting in and for the district in which the conviction was pronounced or the order issued.

Procedure
on appeal.

73. Unless it is otherwise ordered in a special act,—

a. if a conviction or order is made more than fourteen

days before the term of the court to which an appeal is given, such appeal shall be made to that term; but if the conviction or order is made within fourteen days of a term, the appeal shall be made to the second term next after such conviction or order;

When
appeal is
heard.

- b. the appellant shall give notice of his intention to appeal by filing in the office of the clerk of the Crown a notice in writing setting forth with precision the conviction or order appealed against. The notice shall be served upon the respondent and the justice of the peace who pronounced the conviction or issued the order, and also upon such person or persons as a judge of the court shall direct. Such service shall be within ten days of the judgment pronouncing the conviction or the issuing of the order complained of, or within such further time, not exceeding twenty days, as such judge may see fit to fix either before or after the expiration of the said ten days;

Notice
of appeal.

- c. the appellant, if the appeal is from a conviction or order adjudging imprisonment, shall either remain in custody until the holding of the court to which the appeal is given, or shall, within the time limited for filing a notice of intention to appeal, enter into a recognizance in form LL, with two sufficient sureties, before the clerk of the peace or a justice of the peace for the district in which such conviction or order has been made, to appear personally before the said court, to try such appeal, to abide the judgment of the court thereupon, and to pay such costs as are awarded by the court; or if the appeal is from a conviction or order whereby a penalty or sum of money is adjudged to be paid, and imprisonment in default of payment, the appellant shall, within the time limited for filing the notice of appeal, either remain in custody until the holding of the court to which the appeal is given, or enter into a recognizance in form LL with two sufficient sureties as hereinbefore set out, or deposit with the justice of the peace making the conviction or order an amount sufficient, in the opinion of the justice of the peace, to satisfy the judgment or order and to pay the costs of the appeal; and, in cases in which imprisonment in default of payment is not directed, deposit with such justice of the peace an amount sufficient to satisfy the judgment or order and to pay the costs of the appeal. Upon such recognizance being entered into or deposit made, the justice of the peace before whom such recognizance is entered

Appellant
remains in
custody
or gives
recogniz-
ance or
makes
deposit
in court.

into or deposit made shall liberate such person if in custody.

Hearing
of appeal.

74. 1. The court to which such appeal is made shall thereupon hear and determine the appeal and make such order therein, with or without costs to either party, including costs of the court below, as seems meet to the court, and, in case of the dismissal of the appeal, shall order and adjudge the appellant to be punished according to the conviction or to pay the amount adjudged by the order, and to pay such costs as are awarded, and shall, if necessary, issue process for enforcing the judgment of the court.

Payment of
judgment
and costs
out of
deposit.

2. In any case where a deposit has been made as provided in paragraph *c* of section 73, if the conviction or order is affirmed, the court may order that the sum thereby adjudged to be paid, together with the costs of the conviction or order, and the costs of the appeal, shall be paid out of the money deposited, and that the residue, if any, shall be paid to the appellant; and if the conviction or order is quashed the court shall order the money to be repaid to the appellant.

Adjourn-
ment.

3. The court to which such appeal is made shall have power, if necessary, by order endorsed on the conviction or order, to adjourn the hearing of the appeal from one sitting to another, or others, of the said court.

Memo of
quashing.

4. Whenever any conviction or order is quashed on appeal, the clerk of the Crown or other proper officer shall forthwith endorse on the conviction or order a memorandum that the same has been quashed.

Evidence of
quashing.

5. Whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall, when certified under the hand of the clerk of the Crown, or of the officer having the custody of the same, be sufficient evidence, in all courts and for all purposes, that the conviction or order has been quashed.

Judgment
final.

75. 1. When an appeal has been lodged in compliance with the requirements of this act, the court appealed to shall try the case and shall be the absolute judge, as well of the facts as of the law.

Either party
may call
witnesses.

2. Any of the parties to the appeal may call witnesses and adduce evidence, whether or not such witnesses were called or evidence adduced at the hearing before the justice of the peace, either as to the credibility of any witness, or as to any other fact material to the inquiry.

3. Any evidence taken at the hearing below, if it has been taken in writing and duly attested by the justice of the peace, may be read on such appeal, and shall have the like force and effect as if the witness was there examined, if the court appealed to is satisfied, by affidavit or otherwise, that the personal presence of the witness cannot be obtained by any reasonable efforts.

Use of
evidence
taken below.

76. No judgment shall be given in favour of the appellant, if the appeal is based on an objection to any information, complaint or summons, or to any warrant to apprehend a defendant, issued upon any such information, complaint or summons, for any defect therein, in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence adduced in support thereof at the hearing of such information or complaint, unless it is proved before the court hearing the appeal that such objection was made before the justice of the peace who tried the case and by whom such conviction or judgment was pronounced or decision given, nor unless it is proved that notwithstanding it was shown to such justice that by such variance the person summoned and appearing or apprehended had been deceived or misled, such justice refused to adjourn the hearing of the case to some further day, as in this act provided.

Appeals on
matters
of form.

Objection
must have
been taken
below.

77. 1. In every case of appeal from a conviction or an order the court to which such appeal is made shall, notwithstanding any defect in such conviction or order, and notwithstanding that the punishment imposed or the order made may be in excess of that which might lawfully have been imposed or made, hear and determine the information or complaint on which such conviction or order has been had or made, upon the merits, and may confirm, reverse or modify the conviction, or may make such other conviction or order as the court thinks just, and may by such order exercise any power which the justice of the peace, whose decision is appealed from, might have exercised, and may make such order as to costs to be paid by either party as it thinks fit.

Judgment
to be upon
the merits.

May
confirm,
reverse or
modify.

2. Such conviction or order shall have the same effect and may be enforced in the same manner as if it had been pronounced or made by such justice of the peace.

Enforce-
ment of
conviction.

3. Any conviction or order made by the court on appeal may also be enforced by process of the court itself.

By process
of court.

78. 1. The court to which an appeal is made, upon

Costs when

appeal not prosecuted. proof of notice of the appeal to such court having been given to the person entitled thereto, whether such notice has been properly given or not, and though such appeal has not been afterwards prosecuted or entered, may, if such appeal has not been abandoned according to law, at the same sitting for which such notice was given, order to the party or parties, receiving the same, such costs and charges as are thought reasonable and just by the court, to be paid by the party or parties giving such notice.

How recoverable. 2. Such costs shall be recoverable in the manner provided by this act for the recovery of costs upon an appeal against an order or conviction.

Proceedings when appeal fails. **79.** If an appeal against a conviction or order is decided in favour of the respondents, the justice of the peace who made the conviction or order, or any other justice of the peace for the same territorial division, may issue the warrant of distress or commitment for execution of the same, as if no appeal had been brought.

Transmission of conviction to appeal court. **80.** 1. Every justice before whom any person is summarily tried, shall, within five days of the receipt of notice of appeal, transmit the conviction or order to the court to which the appeal is taken, there to be kept by the proper officer among the records of the court until adjudication upon the appeal.

Presumption. 2. The conviction or order shall be presumed not to have been appealed against, until the contrary is shown.

Evidence of conviction of previous offence. 3. Upon any hearing of an information against any person for a subsequent offence, a copy of the conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence.

Clerk of the Crown to remit papers in certain cases. 4. In any case when a conviction or order is required by this act, after appeal, to be enforced by any justice of the peace, the clerk of the Crown shall remit such conviction or order and all papers therewith sent to the court of appeal, excepting any notice of intention to appeal and recognizance, to such justice of the peace to be by him proceeded upon as in such case directed by this act.

Order as to costs. **81.** If the court trying the appeal orders either party to pay the costs, the order shall direct the costs to be paid to the clerk of the Crown, to be paid over by him to the person entitled to the same, and shall state within what delay the costs shall be paid.

82. 1. If such costs are not paid within the time so limited, and the person ordered to pay the same has not been bound by any recognizance conditioned to pay such costs, the clerk of the Crown, on application of the person entitled to the costs, or of any person on his behalf, and on payment of any fee to which he is entitled, shall grant, to the person so applying, a certificate that the costs have not been paid.

Recovery of costs.

Certificate-

2. Upon production of the certificate to a justice of the peace in and for the same territorial division, such justice may enforce the payment of the costs by warrant of distress, and in default of distress may by warrant commit the person against whom the warrant of distress has issued, for any term not exceeding one month, unless the amount of the costs and all costs and charges of the distress and also the costs of commitment and conveyance to prison, if the justice thinks fit so to order, are sooner paid.

Commitment in default of distress.

3. The said certificate shall be in form MM, and the warrants of distress and commitment in forms NN and OO, respectively.

Form.

83. An appellant may abandon his appeal by giving to the opposite party notice in writing of his intention six clear days before the term of the court appealed to, and thereupon the costs of the appeal shall be added to the sum, if any, adjudged against the appellant by the conviction or order, and the justice of the peace shall proceed on the conviction or order, as if there had been no appeal.

Abandonment of appeal.

Stating a Case

84. Any person aggrieved, the prosecutor or complainant as well as the defendant or the accused, who, under section 72 is entitled to appeal from the decision rendered, and who desires to question such conviction, order, determination or other proceeding of a justice of the peace under this act, on the ground that it is erroneous in point of law, or is in excess of jurisdiction, may apply to such justice of the peace to state and sign a case setting forth the facts of the case and the grounds on which the proceeding is questioned, and, if the justice of the peace refuses to state the case, may apply to the Court of King's Bench, Crown side, sitting in and for the district where the conviction was pronounced, the order issued or the proceeding made, for an order requiring the case to be stated.

Statement of case by justices for review.

How and when application made.

85. 1. The application for the stating of a case shall be in writing and be addressed to the justice of the peace, and shall be presented within seven clear days from the date of the proceeding to be questioned.

Time for stating case.

2. The case shall be stated within three months after the date of the judgment granting the application, provided the recognizance, hereinafter referred to, has been entered into.

Procedure by applicant on receipt of stated case.

3. The applicant shall, within three days after receiving the stated case, transmit it to the court, first giving notice in writing of such appeal, with a copy of the case as signed and stated, to the other party to the proceeding which is questioned.

Recognizance by applicant for a stated case.

86. 1. The appellant at the time of making such application, and before a case is stated and delivered to him by the justice of the peace, shall enter into a recognizance before such justice of the peace or some other justice of the peace exercising the same jurisdiction, with or without surety or sureties, for such sum as to the justice seems meet, conditioned to prosecute his appeal without delay, and to submit to the judgment of the court and pay such costs as are awarded by the same.

Discharge of applicant from custody.

2. The appellant, if then in custody, shall be liberated upon the recognizance being further conditioned for his appearance before the same justice of the peace, or such other justice of the peace as is then sitting, within ten days after the judgment of the court has been given, to abide such judgment, unless the judgment appealed against is reversed.

Proceedings when justice dies or quits office.

87. 1. Where, pending an application for the statement of a case, the justice of the peace dies or ceases to act, the applicant may, on notice to the other party or parties, apply to the court to state a case itself, and if a case is thereupon stated it may be dealt with as if it had been duly stated by the said justice of the peace.

Recognizance.

2. Before any such case is stated by the court the applicant shall enter into recognizance as provided by section 86.

Refusal to state a case.

88. The justice of the peace shall not refuse to state a case unless the application appears to him to be based on frivolous grounds, and he shall in such case, on the request of the applicant, sign and deliver to him a certificate attesting such refusal; provided that the justice shall never refuse to state a case where the application is made to him by or under the direction of the Attorney-General.

Exception.

89. 1. If the justice of the peace refuses to state a case, the applicant may, by petition, supported by affidavit, and alleging the refusal, apply to the court for a rule calling upon the justice of the peace, and also upon the respondent, to show cause why such case should not be stated; and such court may peremptorily order the justice of the peace to state the case or discharge the application, with or without payment of costs, as to the court seems meet.

Application
to compel.

Order
therefor.

2. The justice of the peace, upon being served with such peremptory order, shall state a case, upon entering into such recognizance as hereinbefore provided.

Case to be
stated.

90. 1. The court to which a case is transmitted shall hear and determine the question or questions of law arising thereon, and shall thereupon affirm, reverse or modify the conviction, order or determination, or remit the matter to the justice of the peace with the opinion of the court thereon, and may make such other order in relation to the matter, and such orders as to costs, as to the court seems fit; and all such orders shall be final and conclusive upon all parties.

Hearing of
case stated.

Order final.

2. No justice who states and delivers a case shall be liable to any costs in respect or by reason of such appeal against his determination.

No costs
against
justice.

91. 1. The court, for the opinion of which a case is stated, shall have power, if it thinks fit, to cause the case to be sent back for amendment; and thereupon the same shall be amended accordingly, and judgment shall be delivered after it has been amended.

Amendment
of case.

2. The authority and jurisdiction of the court to which a case is stated may, subject to any rules and orders of court in relation thereto, be exercised by a judge of such court sitting in chambers, and as well in vacation as in term time.

Judge in
chambers
has power
of court.

92. 1. After the decision of the court, the justice of the peace who rendered the judgment in relation to which the case has been stated, or any other justice of the peace of the same territorial division, shall have the same authority to enforce any conviction, order or determination, which has been affirmed, amended or made by such court, as the justice of the peace who decided the case would have had to enforce his determination if a case had not been stated.

Enforce-
ment of
conviction
by justice.

By process
of court.

2. If the court deems it necessary or expedient, the judgment of the court may be enforced by its own process.

No *certiorari*
required.

93. No writ of *certiorari* or other writ shall be required for the removal of any conviction, order or other determination, in relation to which a case is stated for obtaining the judgment or determination of the court seized of such stated case.

Statement
of case
precludes
appeal.

94. Every person, for whom a case is stated for the annulment or modification of a decision from which he is entitled to an appeal under section 72, shall be taken to have abandoned his said right of appeal for all legal purposes.

General Provisions respecting Appeals

Conviction
affirmed
on appeal
or warrant,
not to be
held invalid.

95. No conviction or order which has been affirmed, with or without modification in appeal, shall be thereafter quashed for want of form, or be removed by *certiorari* into the Superior Court; and no warrant or commitment shall be held void by reason of any defect therein, provided it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same.

Certiorari
when
appeal is
taken.

96. No writ of *certiorari* shall be allowed to remove any conviction or order had or made before any justice of the peace, if the defendant has already appealed from such conviction or order to any court to which an appeal from such conviction or order is authorized by law, or shall be allowed to remove any conviction or order made upon such appeal.

Conviction,
etc., or
warrant not
invalid in
certain
cases.

97. 1. No conviction or order made by any justice of the peace and no warrant for enforcing the same, shall, on being removed by *certiorari*, be held invalid for any irregularity, informality or insufficiency therein, if the tribunal or judge before which or whom the question is raised, upon taking communication of the record, is satisfied that an offence of the nature described in the conviction, order or warrant, has been committed, over which such justice of the peace has jurisdiction, and that the punishment imposed is not in excess of that which might have been lawfully imposed for the said offence, provided that the tribunal or judge, where so satisfied, shall, even if the punishment imposed or the order made is in excess of that which might law-

Rectifica-
tion of
error.

fully have been imposed or made, have the like powers in all respects to deal with the case, as seems just, as are by section 77 conferred upon the court to which an appeal is taken under the provisions of section 72.

2. Any statement which, under this act or otherwise, would be sufficient if contained in a conviction, shall also be sufficient if contained in an information, summons, order or warrant.

98. 1. The following matters amongst others shall be held to be within the provisions of section 97:—

a. The statement of the adjudication, or of any other matter or thing, in the past tense instead of in the present;

b. The punishment imposed being less than the punishment by law assigned to the offence stated in the conviction or order, or to the offence which appears by the record to have been committed;

c. The omission to negative circumstances, whether stated by way of exception or otherwise in the section of the act creating the offence or in another section of the same act, the existence of which would prevent the action complained of from being an offence under the said act.

2. Nothing in this section contained shall be construed to restrict the generality of the wording of section 97.

99. 1. No order, conviction or other proceeding made by any justice of the peace shall be quashed or set aside, and no defendant or accused shall be discharged, by reason of any objection that evidence has not been given of a proclamation or order of the Lieutenant-Governor in Council, or of any rules, regulations, or by-laws, made by the Lieutenant-Governor in Council, under any act, or of the publication of such proclamation, order, rules, regulations or by-laws in the *Quebec Official Gazette*.

2. Such proclamation, order, rules, regulations and by-laws and the publication thereof shall be judicially noticed.

100. Whenever it appears by any conviction, made by a justice of the peace, that the defendant or accused has appeared and pleaded, and the merits have been tried, and the said defendant or accused has not appealed against the conviction, where an appeal is allowed, or, if appealed against, the conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence

of any defect of form whatever, but the construction shall be such a fair and liberal construction as the ends of justice in the case permit of.

No action
against offi-
cial when
conviction
quashed.

101. If an application is made to quash a conviction, order or other proceeding made or had by or before a justice of the peace, on the ground that such justice has exceeded his jurisdiction, the court or judge who renders judgment on such proceeding may, as a condition of quashing the conviction, order, if the court or judge thinks fit so to do, that no action shall be brought against the justice of the peace, by or before whom such conviction, order or other proceeding was made or had, or against any officer acting thereunder or under any warrant issued to enforce any such conviction or order.

Pending
cases and
orders pre-
viously ren-
dered.

102. This act shall not affect pending cases nor the execution of convictions pronounced and orders issued before its coming into force; and such cases, convictions and orders shall be continued, executed and carried out, as if this act did not exist.

Coming into
force.

103. This act shall come into force on the first day of June, 1922.

ANNEX

FORMS APPLICABLE TO PROCEEDINGS UNDER THE QUEBEC SUMMARY CONVICTIONS ACT

A.—(Section 8)

Information to obtain a Search Warrant

Canada,
Province of Quebec,
District of . }

The information of A. B., of _____ in the said district (*yeoman*), taken this _____ day of _____ in the year one thousand nine hundred and _____ before the undersigned, who says that (*describe things to be searched for and offence in respect of which search is made*), and that he has just and reasonable cause to suspect and suspects, that the said goods and chattels, or some part of them, are concealed in the (*dwelling-house, etc.*) of C. D., of _____ in the said district (*here add the causes of suspicion, whatever they may be*):

Wherefore (*he*) prays that a search warrant may be granted to him to search the (*dwelling-house, etc.*), of the said C. D., as aforesaid, for the said goods and chattels so stolen, taken and carried away as aforesaid (*or as the case may be*).

Sworn before me the day and year first above mentioned, at _____ in the said district of _____

(*Signature*)

Justice of the Peace (*or as the case may be*)
for the district of _____

—————
B.—(*Section 9*)

Endorsement of Search Warrent to be executed in another district

Canada,
Province of Quebec, }
District of _____ . }

Whereas proof upon oath has this day been made before me, a justice of the peace in and for the said district of _____

that the name of J. S. to the within warrant subscribed is of the handwriting of the justice of the peace within mentioned, I do therefore hereby authorize W. T. who brings me this warrant, and all other persons to whom this warrant was originally directed or by whom it may be lawfully executed, and also all peace officers of the said district of _____, to execute the same within the said district of _____

(*Signature*)

Justice of the Peace (*or as the case may be*)
for the district of _____

C.—(Section 10)

Search Warrant

Canada, }
 Province of Quebec, }
 District of . }

To all or any of the constables and other peace officers in the said district.

Whereas it appears on the oath of A. B., of _____, that there is reason to suspect that (*describe things to be searched for and offence in respect of which search is made*) are concealed in _____ at _____

This is, therefore, to authorize and require you to enter between the hours of (*as the justice shall direct*) into the said premises, and to search for the said things, and to bring the same before me or some other justice.

Dated at _____, in the said district of _____ this _____ day of _____, in the year one thousand nine hundred and _____

(Signature)

Justice of the Peace (*or as the case may be*),
 for the district of _____

To _____ of _____

D.—(Section 13)

Information and Complaint for an Offence

Canada, }
 Province of Quebec, }
 District of . }

The information and complaint of C. D. of _____ (*yeoman*), taken this _____ day of _____, in the year one thousand nine hundred and _____, before the undersigned, who saith that (*etc., stating the offence*).

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

(Signature)

Justice of the Peace (*or as the case may be*),
 for the district of _____

E.—(Section 15)

Summons to the Defendant upon an Information or Complaint

Canada,)
 Province of Quebec,)
 District of),

To A. B., of (labourer):

Whereas you have this day been charged before the undersigned, for that you on at , (*stating shortly the offence*):

These are therefore to command you, in His Majesty's name, to be and appear before (*me*) on , at o'clock in the (fore) noon, at , or before such other justice or justices of the peace for the same district of , as shall then be there, to answer to the said charge, and to be further dealt with according to law. Herein fail not.

Given under my hand, this day of , in the year one thousand nine hundred and , at , in the district aforesaid.

(Signature)

Justice of the Peace (*or as the case may be*),
 for the district of

F.—(Section 18)

Warrant in the first instance to apprehend the Defendant

Canada,)
 Province of Quebec,)
 District of).

To all or any of the constables and other peace officers in the said district.

Whereas A. B., of , (*labourer*), has this day been charged before the undersigned, for that he, on , at , did (*etc., stating shortly the offence*).

These are therefore, to command you, in His Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*) or some other justice of the

peace in and for the said district, to answer unto the said charge, and to be futher dealt with according to law.

Given under my hand, this day of , in the year one thousand nine hundred and , at , in the district aforesaid.

(Signature)

Justice of the Peace (*or as the case may be*),
for the district of

—————
G.—(Section 19)

Warrant when the Summons is disobeyed

Canada,)
Province of Quebec,)
District of .)

To all or any of the constables and other peace officers to the said district.

Whereas on the day of , nineteen hundred and , A. B., of was charged before (*me or us*,) the undersigned, for that (*etc., as in the summons*); and whereas I (*or he the said justice of the peace, or we or they the said justices of the peace*) did then issue (*my, our, his or their*) summons to the said A. B., commanding him, in His Majesty's name, to be and appear before (*me*) on the day of , nineteen hundred and at o'clock in the (fore) noon, at , or before such other justice or justices of the peace as should then be there, to answer to the said charge and to be further dealt with according to law; and whereas the said A. B. has neglected to be or appear at the time and place appointed in and by the said summons, although it has now been proved to (*me*) upon oath that the said summons was duly served upon the said A. B. (*or that it was impossible to serve the same*):

These are therefore to command you in His Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*) or some other justice of the peace in and for the said district to answer the said charge, and to be further dealt with according to law.

Given under my hand this day of ,

in the year one thousand nine hundred and _____ ,
at _____ , in the district aforesaid.

(Signature)
Justice of the Peace (or as the case may be),
for the district of

H.—(Section 21)

Endorsement in Backing a Warrant

Canada, }
Province of Quebec, }
District of . }

Whereas proof upon oath has this day been made before me that the name of J. S. to the within warrant subscribed, is of the handwriting of the justice of the peace within mentioned: I do therefore hereby authorize W. T. who brings to me this warrant, and all other persons to whom this warrant was originally directed, or by whom it may be lawfully executed, and also all constables and peace officers of the said district, to execute the same within the said last mentioned district.

Given under my hand, this _____ day of _____ ,
in the year one thousand nine hundred and _____ , at _____ ,
in the district aforesaid.

(Signature)
Justice of the Peace (or as the case may be),
for the district of

I.—(Section 22)

Summons to a Witness

Canada, }
Province of Quebec, }
District of . }

To E. F., _____ (laborer):

Whereas information has been laid before the undersigned that A. B. (etc., as in the summons or warrant against the accused), and it has been made to appear to me that

you are likely to give material evidence for (*the prosecution or for the accused*):

These are therefore to require you to be and to appear before me, on _____ next, at _____ o'clock in the (fore) noon, at _____, or before such other justice or justices of the peace of the said district, as shall then be there, to testify what you know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.

Given under my hand this _____ day of _____, in the year one thousand nine hundred and _____ at _____, in the district aforesaid.

(Signature)

Justice of the Peace (*or as the case may be*),
for the district of _____

J.—(Section 24)

Warrant when a Witness has not obeyed the Summons or has evaded service

Canada, }
Province of Quebec, }
District of _____, }

To all or any of the constables and other peace officers in the said district.

Whereas information having been laid before _____, a justice of the peace, in and for the said district of _____, that A. B. (*etc., as in the summons*); and it having been made to appear to (*me*) upon oath that E. F. of _____ (*labourer*), was likely to give material evidence for (*the prosecution or the defence*), (I) duly issued (*my*) summons to the said E. F., requiring him to be and appear before (*me*) on _____, at _____, or before such other justice or justices of the peace for the said district, as shall then be there, to testify what he knows respecting the said charge so made against the said A. B., as aforesaid; and whereas proof has this day been made upon oath before (*me*) of such summons having been duly served upon the said E. F. (*or of the said E. F. having evaded service thereof*); and whereas the said E. F. has neglected to appear at the time and place appointed by the said summons, and no just excuse has been offered for such neglect:

These are therefore to command you to bring and have

the said E. F. before (*me*) on at o'clock in the
(fore) noon, at , or before such other justice or
justices for the said district, as shall then be there, to
testify what he knows concerning the said charges so
made against the said A. B. as aforesaid.

Given under my hand, this day of , in the
year one thousand nine hundred and , at ,
in the district aforesaid.

(*Signature*)

Justice of the Peace (*or as the case may be*),
for the district of

K.—(*Section 25*)

Conviction for Contempt

Canada, }
Province of Quebec, }
District of . }

Be it remembered that on the day of ,
in the year one thousand nine hundred and , in
the district of , E. F. is convicted before me,
for that he, the said E. F., did not attend before me to
give evidence on the trial of a certain charge against one
A. B. of (*state the offence*), although duly summoned (*or*
bound by recognizance to appear and give evidence in
that behalf, as the case may be) but made default therein,
and has not shown before me any sufficient excuse for
such default, and I adjudge the said E. F., for his said
offence, to be imprisoned in the common gaol of the dis-
trict of at , for the space of ,
there to be kept (*in case a fine is also intended to be impo-*
sed, then proceed) and I also adjudge that the said E. F.
do forthwith pay, to and for the use of His Majesty, a
fine of dollars, and in default of payment, that
the said fine, with the cost of collection, be levied by
distress and sale of the goods and chattels of the said
E. F. (*or in case a fine alone is imposed, then the clause of*
imprisonment is to be omitted.)

Given under my hand at , in the said dis-
trict, the day and year first above mentioned.

(*Signature*)

Justice of the Peace (*or as the case may be*),
for the district of

L.—(Section 26)

Warrant for a Witness in the First Instance

Canada,	}
Province of Quebec,	
District of	

To all or any of the constables and other peace officers in the said district.

Whereas information has been laid, before the undersigned, that (*etc., as in the summons*); and it having been made to appear to (*me*) upon oath, that E. F. of , (*labourer*), is likely to give material evidence for the prosecution, (*or for the defence*) and that it is probable that the said E. F. will not attend to give evidence unless compelled to do so:

These are therefore to command you to bring and have the said E. F. before (*me*) on , at o'clock in the (fore) noon, at , or before such other justice or justices of the peace for the same district as shall then be there, to testify what he knows concerning the said charge so made against the said A. B. as aforesaid.

Given under my hand, this day of , in the year one thousand nine hundred and , at , in the district aforesaid.

(*Signature*)

Justice of the Peace (*or as the case may be*),
for the district of

M.—(Section 36)

Deposition of Witnesses

Canada,	}
Province of Quebec,	
District of	

Deposition of A. B., (*surname, name, age and occupation of the witness*) taken before me, , justice of the peace for the district of , or by the undersigned stenographer, duly sworn, on the day of , 19 , in the case of (*name of the accused*) accused of (*state briefly the offence*), after having

N.—(Section 40)

Warrant of Commitment of a Witness for Refusing to be Sworn or to Give Evidence

Canada,)
 Province of Quebec,)
 District of),

To all or any of the constables and other peace officers in the said district, and to the keeper of the common gaol at , in the said district.

Whereas A. B. was lately charged before , a justice of the peace in and for the said district of , for that (*etc., as in the summons*); and it having been made to appear to (*me*) upon oath that E. F. of was likely to give material evidence for the prosecution, (*or for the defence*) (I) duly issued (*my*) summons to the said E. F., requiring him to be and appear before me on , at , or before such other justice or justices of the peace for the said district as shall then be there, to testify what he knows concerning the said charge so made against the said A. B. as aforesaid; and the said E. F. now appearing before (*me*) (*or being brought before (me)*) by virtue of a warrant in that behalf), to testify as aforesaid, and being required to make oath or affirmation as a witness in that behalf, now refuses so to do (*or being duly sworn as a witness now refuses to answer certain questions concerning the premises which are now here put to him; and more particularly the following or refuses or neglects to produce certain documents which he is required to produce, to wit ,*) without offering any just excuse for such refusal:

These are therefore to command you, to take the said E. F. and to convey him to the common gaol at , in the district aforesaid, and there to deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said E. F. into your custody in the said common gaol, and there keep him for the space of days, for the said contempt, unless in the meantime he consents to be examined, and to answer concerning the premises; and for your so doing, this shall be your sufficient warrant.

Given under my hand, this day of ,

P.—(Section 42)

Recognizance of Bail in lieu of or after a Remand

Canada,	}
Province of Quebec,	
District of	

Be it remembered that on the _____ day of _____, in the year one thousand nine hundred and _____, A. B. of _____, (*labourer*), L. M. of _____, (*grocer*), and N. O., of _____, (*butcher*), personally came before me, and severally acknowledged themselves to owe to our Sovereign Lord the King, 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, to be made and levied on their several goods and chattels, lands and tenements respectively, to the use of our said Lord the King, if he, the said A. B., fails in the condition endorsed (*or hereunder written*).

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

(*Signature*)

Justice of the Peace (*or as the case may be*),
for the district of _____

Condition

The condition of the within (*or above*) written recognizance is such that whereas the within bounden A. B. was this day (*or on* _____ last past) charged before me for that (*etc., as in the warrant*); and whereas the examination of the witnesses for the prosecution in this behalf is adjourned until the _____ day of _____ in the year one thousand nine hundred and _____: if, therefore, the said A. B. appears before me on the said _____ day of _____ at _____ o'clock in the (fore) noon, or before such other justice or justices of the peace for the said district as shall then be there, to answer (*further*) to the said charge, and to be further dealt with according to law, the said recognizance to be void, otherwise to stand in full force and effect.

Q.—(Section 44)

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

Canada,	}
Province of Quebec,	
District of	

Be it remembered that on the _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the said district, A. B. is convicted before the undersigned, for that the said A. B. (*etc.*) *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 are not paid forthwith, (*or 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 district, at _____, for the term of _____, unless the said several sums and all costs and charges of the said distress and of the commitment and of the conveying of the said A. B. to the said gaol are sooner paid.

Given under my hand the day and year first above mentioned, at _____, in the district aforesaid.

(Signature)

Justice of the Peace (*or as the case may be*),
for the district of _____

Or when the issuing of a distress warrant would be ruinous to the defendant and 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 is now 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. has no goods or chattels whereon to levy the said sums by distress".

(R.—(Section 44)

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

Canada, }
 Province of Quebec, }
 District of . }

Be it remembered that on the _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the said district, A. B. is convicted before the undersigned, _____, a justice of the peace for the said district, for that he the said A. B. (*etc., stating the offence, and the time and place when and where it was committed*), and I adjudge the said A. B. for his said offence to forfeit and pay the sum of _____ (*stating the penalty and the compensation, if any*) to be paid and applied according to law; and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums are not paid forthwith (*or, on or before _____ next*), I adjudge the said A. B. to be imprisoned in the common gaol of the said district, at _____, for the term of _____, unless the said sums and the costs and charges of the commitment and of the conveying of the said A. B. to the said common gaol are sooner paid.

Given under my hand, the day and year first above mentioned, at _____, in the district aforesaid.

(Signature)

Justice of the Peace (*or as the case may be*),
 for the district of _____

S.—(Section 44)

Conviction when the Punishment is by Imprisonment, etc.

Canada, }
 Province of Quebec, }
 District of . }

Be it remembered that on the _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the said district, A. B. is convicted before the undersigned, for that he the said A. B. (*etc., stating the offence, and the time and place when and where it was com-*

mitted); and I adjudge the said A. B. for his said offence to be imprisoned in the common gaol of the said district, at _____, for the term 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 is 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 for the term of _____, to commence at and from the expiration of the term of imprisonment aforesaid, unless the said sum for costs and conveying of the said A. B. to gaol are sooner paid.

Given under my hand, the day and year first above mentioned, at _____, in the district aforesaid.

((Signature)

Justice of the Peace (*or as the case may be*),
for the district of _____

Or when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asteriskssay, "inasmuch as it is now 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. has no goods or chattels whereon to levy the said sum for costs by distress".*

—————
T.—(Section 44)

Order for Payment of Money to be Levied by Distress, and in Default of Distress, Imprisonment

Canada,)
Province of Quebec,)
District of _____ .)

Be it remembered that on _____, a complaint was made before the undersigned, 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 that A. B., although duly called, does not appear by himself, nor by counsel, and*

it is now satisfactorily proved to me on oath that the said A. B. was 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 the district, as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. to pay to the said C. D. the sum of forthwith (*or on or before next, or as the act or law 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 are 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 district, at , for the term of , unless the said several sums and all costs and charges of the said distress and of the commitment and of the conveying of the said A. B. to the said common gaol are sooner paid.

Given under my hand, this day of ,
in the year one thousand nine hundred and , at
 , in the district aforesaid.

(Signature) ,

Justice of the Peace (*or as the case may be*)
for the district of

Or when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asteriskssay, "inasmuch as it is now 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. has no goods or chattels whereon to levy the said sum by distress".*

U.—(Section 44)

*Order for Payment of Money, and in Default of Payment,
Imprisonment*

Canada,	}
Province of Quebec,	
District of	

Be it remembered that on _____, a complaint was made before the undersigned, for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*), and now on 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, does not appear by himself, or counsel and it is now satisfactorily proved to me upon oath that the said A. B. was 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 district, as shall then 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 adjudge the said A. B. to pay to the said C. D. the sum of _____ forthwith (*or on or before next, or as the act or law 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 are 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 district at _____, for the term of _____, unless the said several sums and the costs and charges of the commitment and of the conveying of the said A. B. to the said common gaol are sooner paid.

Given under my hand, this _____ day of _____, in the year one thousand nine hundred and _____, at _____ in the said district.

(Signature)

Justice of the Peace (*or as the case may be*),
for the district of _____

V.—(Section 44)

Order for any other Matter where the Disobeying of it is punishable with Imprisonment

Canada, }
 Province of Quebec, }
 District of . }

Be it remembered that on _____, complaint was made before the undersigned, for that (*stating the facts entitling the complainant to the order, with the time and place where and when they occurred*); and now on this day, to wit, on _____, at _____, the parties aforesaid appear before me (*or the said C. D. appears before me, but the said A. B., although duly called, does not appear by himself or by his counsel, and it is now satisfactorily proved to me, upon oath, that the said A. B. was 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 district, as should now be here, to answer to the said complaint and to be further dealt with according to law*); and now having heard the matter of the said complaint, I do 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 neglects or refuses 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 district, at _____, for the term of _____, unless the said order is sooner obeyed, 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 is 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 for the space of _____, to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs is sooner paid.

Given under my hand, this _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the district aforesaid.

(Signature)

Justice of the Peace (*or as the case may be*),
 for the district of _____

W.—(Section 45)

Form of Order of Dismissal of an Information or Complaint

Canada, }
 Province of Quebec, }
 District of . }

Be it remembered that on _____, information was laid (or complaint was made) before the undersigned, for that (*etc., as in the summons of the defendant*) and now at this day, to wit, on _____, at _____, (*if at any adjournment insert here: "to which day the hearing of this case was duly adjourned, of which the said C. D. had due notice,"*) 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. appears before me, but the said C. D., although duly called, does 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] (*if the informant or complainant does not appear, these words, between [_____], may be omitted,*) 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 in this behalf; and if the said sum for costs is 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 district of _____, at _____, for the term of _____, unless the said sum for costs, and all costs and charges of the said distress and of the commitment and of the conveying of the said C. D. to the said common gaol are sooner paid.

Given under my hand, this _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the district aforesaid.

(Signature)
 Justice of the Peace (*or as the case may be*),
 for the district of _____

X.—(Section 45)

Form of Certificate of Dismissal

Canada,
Province of Quebec,
District of . }

I hereby certify that an information (*or* complaint) preferred by C. D. against A. B. for that (*etc., as in the summons*) was this day considered by me, and was by me dismissed (with costs).

Dated at , this day of , in the year one thousand nine hundred and .

(Signature)

Justice of the Peace (*or as the case may be*),
for the district of

Y.—(Section 53)

Warrant of Distress upon a Conviction for a Penalty

Canada,
Province of Quebec,
District of . }

To all or any of the constables and other peace officers in the said district.

Whereas A. B., late of , (*labourer*), was on this day (*or* on last past) duly convicted before , a justice of the peace, in and for the said district, for that (*stating the offence, as in the conviction*), and it was thereby adjudged that the said A. B. should for such his offence forfeit and pay (*etc., 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 were not paid forthwith or in the (*stating the delay*) 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 district, at , 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 gaol were sooner paid; *And whereas the said A. B., being so convicted as aforesaid, and being (now) required to pay the said sums of _____ and _____ has not paid the same or any part thereof, but therein has made default:

These are, therefore, to command you in His 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, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale unto me, (or one of the convicting justices), that I 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 is found, then to certify the same unto me, that such further proceedings may be had thereon as to law appertain.

Given under my hand, this _____ day of _____ in the year one thousand nine hundred and _____ at _____, in the district aforesaid.

(Signature)

Justice of the Peace (or as the case may be),
for the district of _____

*See Form DD

Z.—(Section 53)

Warrant of Distress upon an Order for the Payment of Money

Canada,)
Province of Quebec,)
District of _____,)

To all or any of the constables and other peace officers in the said district.

Whereas on _____, last past, a complaint was made before _____, a justice of the peace in and for the said district, for that (etc., as in the order), and afterwards, to wit, on _____, at _____, the said parties appeared before _____ (as in the order), and thereupon

the matter of the said complaint having been considered, the said A. B. was adjudged to pay to the said C. D. the sum of _____, on or before _____ 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 were not 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 district, at _____, for the term 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) were sooner paid; *And whereas the time in and by the said order appointed for the payment of the said several sums of _____, and _____ has elapsed, but the said A. B. has not paid the same, or any part thereof, but therein has made default:

These are, therefore, to command you, in His 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, are not paid, then to sell the said goods and chattels so by you distrained, and to 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 or 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 to certify the same unto me, to the end that such proceedings may be had therein, as to law appertain.

Given under my hand this _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the district aforesaid.

(Signature)

Justice of the Peace (*or as the case may be*),
for the district of _____

* See Form DD.

AA.—(Section 53)

Warrant of Commitment upon a Conviction for a Penalty in the first instance

Canada,	}
Province of Quebec,	
District of	

To all or any of the constables and other peace officers in the said district, and to the keeper of the common gaol of the said district.

Whereas A. B., late of _____, (*labourer*), was on this day convicted before the undersigned, for that (*stating the offence, as in the conviction*), and it was thereby adjudged that the said A. B., for this offence, should forfeit and pay the sum of _____ (*etc., 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 were not paid (forthwith) the said A. B. should be imprisoned in the common gaol of the district, at _____, for the term of _____, unless the said several sums and the costs and charges of the commitment and of the conveying of the said A. B. to the said common gaol were sooner paid; And whereas the time in and by the said conviction appointed for the payment of the said several sums has elapsed, but the said A. B. has not paid the same, or any part thereof, but therein has made default:

These are, therefore, to command 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 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 for the term of _____, unless the said several sums and the costs and charges of the commitment and of the conveying of the said A. B. to the said common gaol are sooner paid unto you, the said keeper; and for your so doing, this shall be your sufficient warrant.

Given under my hand this _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the district aforesaid.

(*Signature*)

Justice of the Peace (*or as the case may be*),
for the district of _____

BB.—(Section 53)

Warrant of Commitment on an Order in the first instance

Canada,)
 Province of Quebec,)
 District of .)

To all or any of the constables and other peace officers in
 the said district and to the keeper of the common gaol
 of the said district at ,

Whereas, on last past, complaint was
 made before the undersigned for that (*etc., as in the order*),
 and afterwards, to wit, on the day of ,
 at A. B. and C. D. appeared before me,
 (*or as it is in the order*), and thereupon having considered
 the matter of the complaint, I adjudged the said A. B. to
 pay 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 were not paid on or before
 the day of then
 next, the said A. B. should be imprisoned in the common
 gaol of the district of , at , for the term of
 , unless the said several sums and the costs
 and charges of the commitment and of the conveying of
 the said A. B. to the said common gaol, were sooner paid:
 And whereas the time in and by the said order appointed
 for the payment of the said several sums of money has
 elapsed, but the said A. B. has not paid the same, or any
 part thereof, but therein has made default:

These are, therefore, to command you, to take the
 said A. B., and him 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 impri-
 son him for the term of unless the said several
 sums and the costs and charges of the commitment and
 of conveying him to the said common gaol are sooner paid
 unto you the said keeper; and for your so doing, this shall
 be your sufficient warrant.

Given under my hand, this day of ,

in the year one thousand nine hundred and _____, at
 _____, in the district aforesaid,

(Signature)

Justice of the Peace (or as the case may be),
 for the district of

CC.—(Section 53)

Constable's Return of "Nulla Bona" to a Warrant of Distress

I, W. T., constable, of _____, in the district of _____,
 hereby certify to J. S., Esquire, a justice of the peace in and
 for the district of _____, that by virtue of this war-
 rant I have made diligent search for the goods and chattels
 of the within mentioned A. B., and that I can find no suffi-
 cient goods or chattels of the said A. B. whereon to levy
 the sums within mentioned.

Witness my hand, at _____, this _____ day of
 _____, one thousand nine hundred and _____.

DD.—(Section 53)

Warrant for Commitment for Want of Distress

Canada, }
 Province of Quebec, }
 District of _____ . }

To all or any of the constables and other peace officers in
 the district of _____, and to the keeper of the
 common gaol of the said district at _____.

Whereas (etc., as in either of the foregoing distress warrants
 Y or Z, to the asterisk, * and then thus): And whereas,
 afterwards on the _____ day of _____,
 in the year aforesaid, I issued a warrant to the proper
 officers for that purpose, commanding 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 of the said warrant of
 distress by the peace officer who had the execution of the
 same, as otherwise, that the said peace officer has 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 peace officers, or any one of you, to take the said A. B., and him 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 for the term of , unless the said several sums, and all the costs and charges of the said distress and of the commitment and of the conveying of the said A. B. to the said common gaol are sooner paid unto you, the said keeper; and for so doing this shall be your sufficient warrant.

Given under my hand this day of ,
in the year one thousand nine hundred and , at
, in the district aforesaid.

(Signature)

Justice of the Peace (or as the case may be),
for the district of

EE.—(Section 53)

Warrant of commitment upon a conviction adjudging Imprisonment in the first instance

Canada, }
Province of Quebec, }
District of . }

To all or any of the constables and other peace officers of , and the keeper of the common gaol
at .

Whereas A. B., was this day convicted before the undersigned, on the oath of , of , and others, for that (*stating the offence*) : These are therefore to command you, the said constable or peace officers or any of you, in His Majesty's name, to take the said , and him to convey immediately to the common gaol for the said district at , 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, and there to imprison

him for the term of _____ or until he shall be otherwise discharged in due course of law; and for so doing this shall be your sufficient warrant.

Given under my hand, this _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the district aforesaid.

(Signature)

Justice of the Peace (or as the case may be),
for the district of _____

FF.—(Section 54)

Warrant of Distress for Costs upon an Order for Dismissal of an Information or Complaint

Canada, }
Province of Quebec, }
District of _____ . }

To all or any of the constables and other peace officers in the said district.

Whereas on _____ last past, information was laid (or complaint was made) before _____, a justice of the peace in and for the said district of _____, for that (*etc., as in the order of dismissal*) and afterwards, to wit, on _____, at _____, both parties appearing before (*me*) _____, 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 was not 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 district _____, at _____, for the space of _____ unless the said sum for costs, and all costs and charges of the said distress and of the commitment and of the conveying of the said A. B. to the said common gaol, were sooner paid; * And whereas the said

C. D. being now required to pay to the said A. B. the said sum for costs, has not paid the same, or any part thereof, but therein has made default:

These are, therefore, to command you forthwith to make distress of the goods and chattels of the said C. D., and if within the term 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 to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale to (*me*) 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 distress can be found, then to certify the same unto (*me*) (*or to any other justice of the peace for the said district*), that such proceedings may be had thereon as to law appertain.

Given under my hand, this _____, day of _____, in the year one thousand nine hundred and _____, at _____, in the district aforesaid.

(Signature)

Justice of the Peace (*or as the case may be*),
for the district of _____

*See Form GG.

GG.—(Section 54)

Warrant of Commitment for Want of Distress

Canada, }
Province of Quebec, }
District of _____ }

To all or any of the constables and other peace officers in the said district of _____, and to the keeper of the common gaol of the said district of _____, at _____,

Whereas (*etc., as in form FF. 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 the proper officers of the said district, 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 peace officer charged with the execution of the same, as otherwise, that the said peace officer has

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 peace officers, or any one of you, to take the said C. D., and him convey to the common gaol of the said district, 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 for the term of _____, unless the said sum, and all the costs and charges of the said distress and of the commitment and conveyance of the said C. D. to the said common gaol are sooner paid unto you; and for your so doing, this shall be your sufficient warrant.

Given under my hand, this _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the district aforesaid.

(Signature)

Justice of the Peace (or as the case may be),
for the district of _____

HH.—(Section 55)

Endorsement in Backing a Warrant of Distress

Canada, }
Province of Quebec, }
District of . }

Whereas proof upon oath has this day been made before me, that the name of J. S. to the within warrant subscribed is of the handwriting of the justice of the peace within mentioned, I do therefore authorize W. T., who brings 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 peace officers of the said district of _____ to execute the same within the said district.

Given under my hand, this _____ day of _____,

in the year one thousand nine hundred and _____,
at _____, in the said district.

(*Signature*)

Justice of the Peace (*or as the case may be*)
for the district of

II.—(*Section 60*)

Gaoler's Receipt to the Constable for the Prisoner

I hereby certify that I have received from W. T., constable, of the district of _____, the body of A. B., together with a warrant under the hand of J. S., Esquire, justice of the peace for the said district of _____, and that the said A. B. was sober (*as the case may be*), at the time he was delivered into my custody.

(*Date*)

(*Signature*)

Keeper of the common gaol of the district of

JJ.—(*Section 64*)

*Certificate of Non-appearance to be endorsed on the
Defendant's Recognizance*

I hereby certify that the said A. B. has not appeared at the time and place in this recognizance mentioned, but therein has made default, by reason whereof the amount of the said recognizance is forfeited.

Dated at _____, this _____ day of _____ in the
year one thousand nine hundred and _____.

(*Signature*)

Justice of the Peace (*or as the case may be*),
for the district of

KK.—(Section 65)

Warrant of Deliverance on Bail being given for a Prisoner

Canada, }
 Province of Quebec, }
 District of . }

To the keeper of the common gaol of the said district
 at .

Whereas A. B. late of , (*labourer*), has before me entered into his own recognizance, and found sufficient sureties for his appearance before me on the day of at o'clock in the (fore) noon or before such other justice or justices of the peace for the said district as shall be then and there present to answer (further) to the charge that (*etc., as in the commitment*), for which he was taken and committed to your said common gaol:

These are theretofore to command you, that if the said A. B. remains in your custody in the said common gaol for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under my hand, this day of
 , in the year , at , in the district
 aforesaid.

(*Signature*)

Justice of the Peace (*or as the case may be*),
 for the district of

LL.—(Section 73)

Form of Recognizance to try the Appeal

Canada, }
 Province of Quebec, }
 District of . }

Be it remembered that on the day of one thousand nine hundred and , A. B. of , (*labourer*) and L. M., of , (*grocer*), and N. O., of , (*yeoman*), personally came before the undersigned, and severally acknowledged themselves to owe to our Sovereign Lord the King, 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, to be made and levied on their several goods and chattels, lands and tenements respectively, to the use of our said Lord the King, if he the said A. B. fails in the condition endorsed (or hereunder written).

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

(Signature)

Justice of the Peace (or as the case may be),
for the district of _____

Condition

The condition of the within (or the above) written recognizance is such that if the said A. B. personally appears before the Court of King's Bench, Crown side, on the _____ day of _____, next, in and for the said district, and tries an appeal against a certain conviction, bearing date the _____ day of _____, (*instant*), and made by (me), whereby he, the said A. B., was convicted, for that he, the said A. B., did, on the _____ day of _____, at _____, in the said district (*here set out the offence as stated in the conviction*); and also abides by the judgment of the court upon such appeal and pays such costs as are by the court awarded, then the said recognizance to be void, otherwise to remain in full force and effect.

MM.—(Section 82)

*Certificate of Clerk of the Crown that the Costs of an Appeal
are not paid*

Office of the clerk of the peace for the district of _____

Title of the Appeal

I hereby certify that at the Court of King's Bench, holden at _____, in and for the said district, on last past, an appeal by A. B. against a conviction (or order) of J. S. Esquire, a justice of the peace in and for the said district, came on to be tried, and was there heard and determined, and the said Court of King's Bench

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 for the said district, on or before the _____ day of _____ one thousand nine hundred and _____ and 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 at _____, this _____ day of _____, in the year one thousand nine hundred and _____

(Signature)

Clerk of the Crown
for the district of _____

NN.—(Section 82)

Warrant of Distress for Costs of an Appeal against a Conviction or Order

Canada, }
Province of Quebec, }
District of _____ . }

To all or any of the constables and other peace officers in the said district.

Whereas (*etc., as in the warrants of distress, forms Y or Z 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 King's Bench, 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 by the Court of King's Bench, and the said court 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 for the said district, on or before the day of _____, one thousand nine hundred and _____, to be by him handed over to the said C. D.; and whereas the clerk of the peace of the said district, on or before the day of _____ (*instant*), duly certified that the said sum for costs had not been paid.

* These are, therefore, to command you, forthwith to make distress of the goods and chattels of the said A. B., and if, within the term 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, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale to the clerk of the peace for the said district of _____,

that he may pay and apply the same as by law directed; and if no such distress can be found, then to certify the same unto me or any other justice of the peace for the said district, that such proceedings may be had therein as to law appertain.

Given under my hand, this _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the district aforesaid.

(*Signature*)

Justice of the Peace (*or as the case may be*),
for the district of _____

*See Form OO.

OO.—(Section 82)

Warrant of Commitment for want of Distress in the last case

Canada, }
Province of Quebec, }
District of _____ }

To all or any of the constables and other peace officers in the said district of _____, and to the keeper of the common gaol of the said district at _____.

Whereas (*etc., as in form NN to the asterisk * and then thus*): And whereas, afterwards, on the day of _____, in the year aforesaid, I, the undersigned, issued a warrant, 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 peace officer who was charged with the execution of the same, as otherwise, that the said peace officer has 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 peace officers, or any one of you, to take the said A. B., and him to convey to the common gaol of the said district of _____, 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 for the term of _____, unless the said sum and all costs and charges of the said distress and of the commitment and of the conveying of the said A. B. to the said common gaol, are sooner paid unto you; and for so doing this shall be your sufficient warrant.

Given under my hand, this _____ day of _____, in the year one thousand nine hundred and _____, at _____, in the district aforesaid.

(Signature)

Justice of the Peace (or as the case may be)
for the district of _____

C H A P. 99

An Act to amend article 16 of the Municipal Code respecting the cutting of timber

[Assented to, the 21st of March, 1922]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Paragraph 27 of article 16 of the Municipal Code is ^{Mun. Code,} amended by adding thereto, after the word: "thereon", in ^{art. 16, § 27,} the fifth line thereof, the words: "The right to cut timber, ^{am.} granted or alienated by the proprietor of the lot, other than the Crown, is also an immoveable within the meaning of this paragraph."

2. This act shall come into force on the day of its ^{Coming into} sanction. ^{force.}