

No. 30.—1861.

19th December.

AN ORDINANCE for extending the powers of Justices of the Peace and amending the form and manner of proceeding before them in certain cases.

ROB. W. KEATE.

WHEREAS it is expedient to extend the powers of Justices of the Peace, and to make further regulations respecting the form and manner of proceeding before them in cases of Crimes and Offences: Be it therefore enacted by His Excellency the Governor by and with the advice and consent of the Council of Government in manner following that is to say:

1. It shall be lawful for any Justice of the Peace on receiving information upon oath or solemn affirmation of any offence committed in any part of the Colony by any person who shall be or shall be supposed to be within the District of such Justice to issue his warrant for the apprehension of such person and for the bringing him before any Justice of the Peace having jurisdiction in the County or District within which such offence was committed.

Justices of the Peace upon information to issue warrants for the apprehension of offenders.

2. Such warrant shall be addressed to one or more Police Constable or Constables, and to all other Constables and Officers of Police in the Colony: and it shall be the duty of and lawful for the Constable or Constables named in such warrant, or any other Constable or Constables to whom the same shall be delivered for execution, to apprehend the person named or described in such warrant as being the offender or supposed offender, wherever he may be within this Colony, and to take him without unnecessary delay before some Justice of the Peace having jurisdiction within the County or District wherein the offence was committed, to be dealt with according to law.

Constables to apprehend persons named in warrants delivered to them for execution.

3. In all cases where a charge or complaint for any crime or offence not being treason or murder shall be made before any Justice of the Peace, it shall be lawful for such Justice, if he shall deem it proper and

Justices of the Peace may, instead of a warrant, issue a summons,

and such summons shall be served by a constable upon the person accused. reasonable so to do, instead of a warrant to issue a summons requiring the person accused of such crime or offence to appear before him or any other Justice having jurisdiction within the County or District wherein such crime or offence shall be alleged to have been committed, at a time and place to be named in such summons, then and there to answer such charge and to be further dealt with according to law; and every such summons shall be directed to the person so charged, and shall state shortly the nature of the charge; and every such summons shall be served by a Constable or other Peace Officer upon the person to whom it is so directed, by delivering the same to such person personally, or if he cannot conveniently be met with then by leaving the same at his last or usual place of abode; and the Constable or other Peace Officer who shall have served such summons in manner aforesaid, shall attend at the time and place appointed before the Justice in the said summons mentioned, to depose if necessary to the service of such summons.

Any person so summoned not appearing, warrant to be issued for his apprehension.

4. If the person so served shall not appear before the Justice at the time and place mentioned in such summons in obedience to the same, then it shall be lawful for such Justice or any other Justice for the same County or District to issue his warrant for apprehending the person so summoned and bringing him before such Justice or any other Justice for the same County or District to answer the charge in the information or complaint mentioned, and to be further dealt with according to law.

Witnesses may be examined in the presence of one another.

5. It shall be lawful for any Justice of the Peace taking the examinations of witnesses upon any criminal charge to require or permit any witness or witnesses in support of the charge or attending to give evidence for the accused to be present during the whole or any part of the examination of any other of the witnesses, if such Justice shall deem it necessary or conducive to the ends of justice so to do.

In case of a remand recognizances may be taken conditioned for

6. When any person charged with any crime or offence not being treason or murder shall be brought or appear before any Justice of the Peace to answer such charge, if from the absence of any witness or from any

other reasonable cause it shall be necessary or ad- the due ap-
 visible to defer the examination or further examination pearance of
 of the witnesses for any time, it shall be lawful for such the person
 Justice, if he shall judge it to be proper and reasonable accused; and
 so to do, instead of detaining the accused party in cus- if the person
 tody during the period for which he shall be remanded, accused does
 to suffer such accused party to be at large upon his not appear,
 entering into a recognizance, with or without a surety his recogni-
 or sureties at the discretion of such Justice, conditioned zance to be
 for his appearance at the time and place appointed for forfeited, and
 such examination or further examination; and if such a warrant to
 accused party shall not afterwards appear at the time be issued for
 and place mentioned in such recognizance, then the the recovery
 said Justice or any other Justice who may then and of the amount
 there be present may thereupon, and without any of such
 further notice, by order in writing to be endorsed on recognizance.
 such recognizance, declare the same to be forfeited, and
 issue his warrant for the recovery of the amount men-
 tioned in such recognizance by distress and sale of the
 goods of the party making such default, and his surety
 or sureties if any; and it shall be lawful for the said
 Justice or any other Justice for the same County or
 District forthwith or at any time thereafter to issue his
 warrant for the apprehension of the said party accused,
 in order that he may be brought before him or some
 other Justice to answer the said charge and to be
 further dealt with according to law.

7. All informations or complaints to any Justice of Information
 the Peace of any crime or offence shall be in writing to be in
 and signed by the person making the same; but in all writing; but
 cases in which the Justice of the Peace shall deem it an informa-
 proper to issue a summons in the first place instead of tion on which
 a warrant it shall not be necessary that the information a summons is
 or complaint should be upon oath or solemn affirma- issued need
 tion. not be on oath.

8. Whenever any Justice of the Peace shall make When any
 order that any person charged before him with any Justice of the
 crime or offence (not being treason or murder) be Peace shall
 suffered to be at large upon his entering into a recog- make order
 nizance with or without a surety or sureties, it shall be that any
 lawful for such Justice to make such order in writing person be suffered
 under his hand, stating therein the name of the party to be at large
 upon his re-
 cognizance,

such order to be in writing and to state particulars. And any other Justice of the Peace may, upon the production of such order, discharge the accused person.

accused, the nature of the charge, the time and place at which such party accused is required to appear, the amount for which such party accused, and his surety or sureties if any, are required to enter into such recognizance, and any terms which such Justice may impose in respect of such recognizance; and it shall be lawful for any other Justice of the Peace for the same County or District, upon production of such order, to take such recognizance in the manner and upon the terms and conditions set forth in such order, and thereupon the party accused shall be discharged from custody.

No objection to be allowed to complaints, warrants, &c., on account of any defect or variance, but Justice may adjourn the hearing.

9. No objection shall be allowed to any information or complaint summons or warrant for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced in support of the prosecution charge or complaint before the Justice or Justices who shall take the examination of the witnesses in that behalf; but if any such variance shall appear to the Justice or Justices to be such that the party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices at the request of the party so charged, to adjourn the hearing to some future day, and in the meantime to remand the party so charged, or to suffer him to be at large upon his recognizance with or without a surety or sureties in manner hereinbefore mentioned.

Passed in Council this nineteenth day of December in the year of Our Lord one thousand eight hundred and sixty-one.

R. LECHMERE GUPPY,
Clerk of Council.

No. 3.—1862.

1st April.

AN ORDINANCE for the protection of Purchasers and Mortgagees.

ROB. W. KEATE.

WHEREAS it is expedient that the law for the protection of purchasers and mortgagees of lands in