

THE JUSTICES OF THE PEACE
JURISDICTION ACT

ARRANGEMENT OF SECTIONS

1. Short title.

PART I. *Summary Convictions and Orders*

2. Power to issue summons.
3. If summons not obeyed Justice may issue warrant.
4. Provisions as to warrant.
5. *Description of property in information, etc.*
- 5A. Special summary jurisdiction of Justices in respect of certain enactments.
6. Accessories.
7. Provision where order for payment of money.
8. Informations for offences punishable on summary conviction.
9. Manner of making complaint or laying information.
When warrant issued in first instance, information to be on oath.
Complaints and informations to embrace one matter only.
10. Limitation of time for complaints and informations.
11. As to hearing of complaints or informations.
12. Defendant not appearing course of proceeding to be observed.
Defendant appearing, and complainant or informant not, what is to be done.
Defendant failing to reappear.
If both parties appear, Justice to hear and determine case.
13. Proceedings at the hearing of complaints or informations.
14. Competency of witnesses.
15. Power to adjourn, and course of proceeding upon adjournment.
16. Form of convictions and orders.
When minute of order to be served on defendant.
17. Costs.
18. Power to issue warrant of distress.
When defendant may be committed in first instance.

[The inclusion of this page is authorized by L.N. 95/1997]

JUSTICES OF THE PEACE JURISDICTION

19. Justice after issuing warrant of distress may suffer defendant to go at large, etc.
20. In default of distress Justice may commit defendant to prison.
21. Cases where Act provides no remedy in default of distress.
22. Power of Justice to commit in first instance in certain cases.
23. Power to Justice to commit where the conviction is not for a penalty, nor the order for payment of money, and the punishment, etc.
24. Imprisonment for second offence to commence at expiration of that for previous offence.
25. Information dismissed, costs may be recovered from prosecutor, etc.
26. Defendant may tender payment to constable or gaoler.
27. In summary proceedings one Justice may issue summons or warrant, etc., and, after conviction or order, may issue warrant of distress.
28. Forms in Schedule relating to proceedings under Part I.

PART II. *Preliminary Examinations*
Indictable Offences

29. When Justice may cause party to be brought before him.
30. Power to Justice to issue warrants on a Sunday.
31. When information in writing necessary.
32. Procedure to compel attendance of person charged.
33. Warrant to apprehend.
Defects in substance or form of warrant.
34. Examination.
35. Room where examination taken not to be deemed an open court.
36. Depositions to be read to accused.
37. How Justices are to proceed when any person shall be brought before them charged with an indictable offence.
38. Power to Justice to bind over prosecutor and witnesses.
Witness refusing to enter into recognizance may be committed.

39. Power to remand, etc.
Power to Justices in certain cases to defer examination for fourteen days.
Remand not exceeding three days.
Power to remand accused person limited to certain cases.
40. Examination of accused in parish other than that where offence charged to have been committed.
41. Bail.
42. Warrant of deliverance.
43. What to be done after hearing of case for prosecution.
44. Constable to take accused to prison.
45. Defendant entitled to copy of depositions.
46. Forms in Schedule, numbered (15) to (26).

PART III. General Provisions

47. Power to summon witnesses.
48. Power of Justices to order production of documents.
49. Provision to execute warrant in any parish.
50. Power to bail witnesses arrested under warrants.
51. Subpoena, summons or warrant issued in one parish may be served or executed in another.
52. Bail may be taken in any parish in which party apprehended.
53. Justice for two parishes may act for one whilst residing in the other.
54. Part I to extend to later enactments giving summary jurisdiction to Justices.
55. Forms relating to proceedings under Part I.
56. Person interested in execution of distress warrant may defend action brought against constable for executing it.
57. Enforcement for fine.
58. Pecuniary amends to complainant.
59. Imprisonment to run from date of capture.
60. Stamp duty on summons.
61. Power to adjourn.
62. Bringing up person imprisoned to answer further charge.

JUSTICES OF THE PEACE JURISDICTION

- 63. Certain process shortened.
- 64. Form of documents in criminal proceedings before Justices.
- 65. Fees payable. Scale of Fees.
- 66. Power of Justices to remit, excuse or postpone payment of fees on criminal process.
- 67. Power to impose fine instead of imprisonment.
- 68. Things court may do on making order for payment.
- 69. Court may order person adjudged to be searched.
Person executing warrant may seize money found on person adjudged.
- 70. When court may revoke term of imprisonment.
- 71. Minister may make rules.
- 72. Enforcement of recognizance on non-appearance.

PART IV. Stipendiary Justices

- 73. Governor-General may appoint Stipendiary Justice, each with power of two Justices.

PART V. Small Penalties Recovery

- 74. Interpretation of penalty.
- 75. Limit of imprisonment in relation to penalties.
- 76. Applicable to all enactments imposing such penalties.
- 77. Not to Revenue penalties.

PART VI. Protection from Vexatious Proceedings

- 78. Form of action against Justice.
- 79. Actions for acts done without jurisdiction, etc.
- 80. Warrant granted by one Justice upon conviction by another.
- 81. Justice not liable to action for what ordered to do.
- 82. No action against Justice for defect in conviction affirmed on appeal.
- 83. Actions brought against provisions of Act may be set aside.
- 84. Damages.

SCHEDULE

THE JUSTICES OF THE PEACE
JURISDICTION ACT

(Parts I, II and III 1850
Part IV 31st October, 1866
Part V 1st August, 1868
Part VI 1849)

Cap. 188.
Acts
42 of 1969
3rd Sch.,
3 of 1994,
31 of 1995,
19 of 2000
S. 23,
21 of 2005
S. 7,
12 of 2006.

1. This Act may be cited as the Justices of the Peace Jurisdiction Act.

Short title.

PART I. *Summary Convictions and Orders*

2.—(1) In all cases where any information shall be laid before one or more of Her Majesty's Justices of the Peace for any parish within this Island, that any person has committed, or is suspected to have committed, any offence or act within the jurisdiction of such Justice or Justices for which he is liable by law, upon a summary conviction for the same before a Justice or Justices to be imprisoned or fined, or otherwise punished; and also in all cases where a complaint shall be made to any such Justice or Justices upon which he or they have, or shall have, authority by law to make any order for the payment of money or otherwise, then and in every such case it shall be lawful for such Justice or Justices to issue his or their summons (according to Form (1) in the First Schedule), directed to such person, stating shortly the matter of such information or complaint, and requiring him to appear at a certain time and place before the same Justice or Justices, or before such other Justice or Justices of the same parish as shall then be there to answer to the said information or complaint, and to be further dealt with according to law; and every such summons shall be served by a constable or other peace officer, or other person to whom the same shall

Power to
issue
summons.
3/1994
S. 2(a).

First
Schedule
Form (1).
31/1995
S. 3.

JUSTICES OF THE PEACE JURISDICTION

be delivered upon the person to whom it is so directed, by delivering the same to the party personally, or by leaving the same with some person for him at his last or most usual place of abode; and the constable, peace officer, or person who shall serve the same in manner aforesaid, shall attend at the time and place and before the Justices in the said summons mentioned, to depose, if necessary, to the service of the said summons:

Provided always, that nothing herein mentioned shall oblige any Justice or Justices to issue any such summons in any case where the application for any order of Justices is by law to be made *ex parte*:

Provided also that no objection shall be taken or allowed to any information, complaint, or summons for any alleged defect therein in substance or in form, or for any variance between such information, complaint, or summons, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint as hereinafter mentioned; but if any such variance shall appear to the Justice or Justices present and acting at such hearing to be such that the party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day.

(2) For the purposes of this Act any notice given under subsection (2) of section 53 of the National Solid Waste Management Act or subsection (2) of section 116 of the Road Traffic Act or any process, summons or other document under subsection (2)(c) of section 13 of the Transport Authority Act may be construed as an information and summons.

3. If the person so served with a summons as aforesaid shall not be and appear before the Justice or Justices at the time and place mentioned in such summons, and it shall be made to appear to such Justice or Justices, by oath or affirmation, that such summons was so served what shall be deemed by such Justice or Justices to be a reason-

3/1994
S. 2(b).
21/2005
S. 7.
12/2006
S. 2.

If summons
not obeyed
Justice may
issue
warrant.

able time before the time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon oath or affirmation being made before him or them substantiating the matter of such information or complaint to his or their satisfaction, to issue his or their warrant (according to Form (2) in the First Schedule) to apprehend the party so summoned, and to bring him before the same Justice or Justices, or before some other Justice or Justices in and for the same parish, to answer to the said information or complaint, and to be further dealt with according to law; or upon such information being laid as aforesaid for any offence punishable on conviction, the Justice or Justices before whom such information shall have been laid may, if he or they shall think fit, upon oath or affirmation being made before him or them substantiating the matter of such information to his or their satisfaction, instead of issuing such summons as aforesaid, issue, in the first instance, his or their warrant (according to Form (3) in the First Schedule) for apprehending the person against whom such information shall have been so laid, and bringing him before the same Justice or Justices or before some other Justice or Justices in and for the same parish, to answer to the said information, and to be further dealt with according to law; or, if where a summons shall be so issued as aforesaid, and upon the day and at the place appointed in and by the said summons for the appearance of the party so summoned, such party shall fail to appear accordingly in obedience to such summons, then and in every such case, if it be proved upon oath or affirmation to the Justice or Justices then present that such summons was duly served upon such party a reasonable time before the time so appointed for his appearance as aforesaid, it shall be lawful for such Justice or Justices to proceed *ex parte* to the hearing of such information or complaint, and to adjudicate thereon as fully and effectually to all intents and purposes as if such

First
Schedule
Form (2).
31/1995
S. 3.

First
Schedule
Form (3).
31/1995
S. 3.

party had personally appeared before him or them in obedience to the said summons.

Provisions
as to
warrant.

4. Every such warrant to apprehend a defendant that he may answer to any such information or complaint as aforesaid shall be under the hand or hands of the Justice or Justices issuing the same, and may be directed either to any constable or other person by name, or generally to the constable of the parish within which the same is to be executed without naming him, or to such constable and all other constables within the parish within which the Justice or Justices issuing such warrant hath or have jurisdiction, or generally to all the constables within such last-mentioned parish; and it shall state shortly the matter of the information or complaint on which it is founded, and shall name, or otherwise describe, the person against whom it has been issued; and it shall order the constable or other person to whom it is directed to apprehend the said defendant, and to bring him before one or more Justice or Justices (as the case may require) of the same parish, to answer to the said information or complaint, and to be further dealt with according to law; and it shall not be necessary to make such warrant returnable at any particular time, but the same may remain in full force until it shall be executed:

Provided always, that no objection shall be taken or allowed to any such warrant to apprehend a defendant so issued upon any such information or complaint as aforesaid under or by virtue of this Part for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the informant or complainant as hereinafter mentioned; but if any such variance shall appear to the Justice or Justices present and acting at such hearing, to be such that the party so apprehended under such warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing

of the case to some future day, and, in the meantime, to commit (according to Form (4) in the First Schedule) the said defendant to prison or to such other custody as the said Justice or Justices shall think fit, or grant him bail in accordance with the Bail Act.

First
Schedule
Form (4).
31/1995
S. 3.
19/2000
S. 23.

5. In any information or complaint, or the proceedings thereon, in which it shall be necessary to state the ownership of any property belonging to or in the possession of partners, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named, and another, or others, as the case may be; and whenever in any information or complaint, or the proceedings thereon, it shall be necessary to mention for any purpose whatsoever any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in manner aforesaid; and whenever in any such information or complaint, or the proceedings thereon, it shall be necessary to describe the ownership of any work or building made, maintained or repaired at the expense of any parish, or of any materials for the making, altering or repairing of the same, or of any goods provided at the expense of any parish, the same may be described as the property or goods of the Parish Council of such parish, other than Kingston and St. Andrew, when the same shall be described as the property or goods of the Kingston and St. Andrew Corporation, and all materials and tools provided for the repair of highways at the expense of any parish may be described in like manner.

Description
of property
in informa-
tion, etc.

RL-18

Special
summary
jurisdiction of
Justices in
respect of
certain
enactments.
31/1995
S. 2.
Second
Schedule.

5A. Notwithstanding the provisions of any other enactment, two Justices sitting together shall have and exercise summary jurisdiction in respect of criminal offences under any of the Acts specified in the Second Schedule so, however, that in respect of any such offence—

- (a) the maximum penalty imposed by the Justices shall not exceed two thousand dollars;
- (b) the maximum term of imprisonment imposed by the Justices shall not exceed three months; and
- (c) the Justices shall not have power to impose an order for forfeiture.

Accessories.

6. Every person who shall aid, abet, counsel, or procure the commission of any offence which is or hereafter shall be punishable on summary conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as such principal offender is or shall be by law liable, and may be proceeded against and convicted either in the parish where such principal offender may be convicted, or in that in which such offence of aiding, abetting, counselling, or procuring may have been committed.

Provision
where order
for payment
of money.

7. In all cases of complaint upon which a Justice or Justices may make an order for the payment of money, or otherwise, it shall not be necessary that such complaint shall be in writing, unless it shall be required to be so by some particular enactment of this Island upon which such complaint shall be framed.

Informa-
tions for
offences
punishable
on summary
conviction.

8. In all cases of informations for any offences or acts punishable upon summary conviction, any variance between such information and the evidence adduced in

support thereof as to the time at which such offence or act shall be alleged to have been committed shall not be deemed material, if it be proved that such information was in fact laid within the time limited by law for laying the same; and any variance between such information and the evidence adduced in support thereof, as to the parish in which the offence or act shall be alleged to have been committed, shall not be deemed material, provided that the offence or act be proved to have been committed within the jurisdiction of the Justice or Justices by whom such information shall be heard and determined; and if any such variance or any variance in any other respect between such information and the evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the hearing to be such that the party charged by such information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and, in the meantime, to commit (according to Form (4) in the First Schedule) the said defendant to prison or to such other custody as the said Justice or Justices shall think fit, or to discharge him, upon his entering into a recognizance (according to Form (5) in the First Schedule), with or without surety or sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned.

First
Schedule
Form (4).
31/1995
S. 3.

First
Schedule
Form (5).
31/1995
S. 3.

9. Every such complaint upon which a Justice or Justices is or are or shall be authorized by law to make an order and every information for any offence or act punishable upon summary conviction, unless some particular enactment of this Island shall otherwise require, may respectively be made or laid without any oath or affirmation being made of the truth thereof, except in cases of information where the Justice or Justices receiving the same shall there-

Manner of
making
complaint
or laying
information.

When warrant issued in first instance, information to be on oath.

Complaints and informations to embrace one matter only.

Limitation of time for complaints and information.

As to hearing of complaints or informations.

upon issue his or their warrant in the first instance to apprehend the defendant as aforesaid; and in every such case where the Justice or Justices shall issue his or their warrant in the first instance, the matter of such informations shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf, before any such warrant shall be issued; and every such complaint shall be for one matter of complaint only, and not for two or more matters of complaint, and every such information shall be for one offence only, and not for two or more offences; and every such complaint or information may be laid or made by the complainant or informant in person, or by his counsel or solicitor, or other person authorized in that behalf.

10. In all cases where no time is already, or shall hereafter be, specially limited for making any such complaint or laying any such information, in the enactment or enactments of this Island relating to each particular case, such complaint shall be made, and such information shall be laid, within six calendar months from the time when the matter of such complaint or information respectively arose:

Provided that nothing in this section shall be deemed to apply to any case triable by a Resident Magistrate in the exercise of his special statutory summary jurisdiction.

11. Every such complaint and information shall be heard, tried, determined, and adjudged by one or two or more Justice or Justices, as shall be directed by the enactment upon which such complaint or information shall be framed, or such other enactment or enactments as there may be in that behalf; and if there be no such direction in any such enactment, then such complaint or information may be heard, tried, determined, and adjudged by any one Justice for the parish where the matter of such information shall have arisen; or with the consent of the complainant or informant and the defendant in any case of summary juris-

diction, any single Justice may exercise jurisdiction and adjudicate upon the matter of such complaint or information; and the room or place in which such Justice or Justices shall sit to hear and try any such complaint or information shall be deemed an open and public court, to which the public generally may have access, so far as the same can conveniently contain them, and the party against whom such complaint is made, or information laid, shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by counsel or solicitor on his behalf; and every complainant or informant in any such case shall be at liberty to conduct such complaint or information respectively, and to have the witnesses examined and cross-examined by counsel or solicitor on his behalf.

12. If, at the day and place appointed in and by the summons aforesaid for hearing and determining such complaint or information, the defendant against whom the same shall have been made or laid shall not appear when called, the constable, or other person who shall have served him with the summons in that behalf shall then declare upon oath in what manner he served the said summons; and if it appear to the satisfaction of any Justice or Justices, that he duly served the said summons, in that case such Justice or Justices, may proceed to hear and determine the case in the absence of such defendant; or, the said Justice or Justices, upon the non-appearance of such defendant as aforesaid, may, if he or they think fit, issue his or their warrant in manner hereinbefore directed; and shall adjourn the hearing of the said complaint or information until the said defendant shall be apprehended; and when such defendant shall afterwards be apprehended under such warrant he shall be brought before the same Justice or Justices, or some other Justice or Justices of the same parish, who shall thereupon, either

Defendant
not appear-
ing course
of
proceeding
to be
observed.

First
Schedule
Form (6).
31/1995
S. 3.

by his or their warrant (according to Form (6) in the First Schedule), commit such defendant to prison or, if he or they think fit, verbally, to the custody of the constable or other person who shall have apprehended him, or to such other safe custody as he or they shall deem fit, and order the said defendant to be brought up at a certain time and place before such Justice or Justices as shall then be there, of which said order the complainant or informant shall have due notice; or, if, upon the day and at the place so appointed as aforesaid such defendant shall attend voluntarily, in obedience to the summons in that behalf served upon him, or shall be brought before the said Justice or Justices by virtue of any warrant, then, if the complainant or informant, having had such notice as aforesaid, do not appear by himself, his counsel, or solicitor, the said Justice or Justices shall dismiss such complaint or information, unless for some reason, he or they shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he or they shall think fit, in which case such Justice or Justices may commit the defendant (according to Form (4) in the First Schedule), in the meantime, to prison or to such other custody as such Justice or Justices shall think fit; or may grant him bail in accordance with the Bail Act; and if both parties appear, either personally or by their respective counsel or solicitors, before the Justice or Justices who are to hear and determine such complaint or information, then the said Justice or Justices shall proceed to hear and determine the same.

Defendant
appearing,
and com-
plainant or
informant not,
what is to be
done.

First
Schedule
Form (4).
31/1995
S. 3.

Defendant
failing to
reappear. If
both parties
appear, Justice
to hear and
determine
case.

Proceedings
at the hear-
ing of com-
plaints or in-
formations.

13. Where such defendant shall be present at such hearing, the substance of the information or complaint shall be

stated to him, and he shall be asked if he have any cause to show why he should not be convicted, or why an order should not be made against him, as the case may be; and if he thereupon admit the truth of such information or complaint, and show no cause, or no sufficient cause, why he should not be convicted, or why an order should not be made against him, as the case may be, then the Justice or Justices present at the said hearing, shall convict him, or make an order against him accordingly; but if he do not admit the truth of such information or complaint as aforesaid, then the said Justice or Justices shall proceed to hear the prosecutor or complainant, and such witnesses as he may examine, and such other evidence as he may adduce in support of his information or complaint respectively, and also to hear the defendant and such witnesses as he may examine and such other evidence as he may adduce in his defence, and also to hear such witnesses as the prosecutor or complainant may examine in reply, if such defendant shall have examined any witnesses, or given any evidence other than as to his, the defendant's, general character; but the prosecutor or complainant shall not be entitled to make any observations in reply upon the evidence given by the defendant, nor shall the defendant be entitled to make any observations in reply upon the evidence given by the prosecutor or complainant in reply as aforesaid; and the said Justice or Justices, having heard what each party shall have to say as aforesaid, and the witnesses and evidence so adduced, shall consider the whole matter, and determine the same, and shall convict, or make an order upon, the defendant, or dismiss the information or complaint, as the case may be; and if he or they convict or make an order against the defendant, a minute or memorandum thereof shall then be made, for which no fee shall be paid; and the conviction (in the Form (7) (a), (7) (b), or (7) (c) of the First Schedule, or order, in the Form (8) (a), (8) (b), or (8) (c) of the First Schedule as the case may be), shall after-

First
Schedule
Form
(7) (a), (7)
(b), (7) (c), (8)
(a), (8) (b),
(8) (c).
31/1995
S. 3.

First
Schedule
Form (9).
31/1995
S. 3.
First
Schedule
Form (10).
31/1995
S. 3.

wards be drawn up by the said Justice or Justices in proper form, under his or their hand or hands; and he or they shall cause the same to be lodged with the Clerk of the Courts to be by him filed among the records of the Court, or, if the said Justice or Justices shall dismiss such information or complaint, it shall be lawful for such Justice or Justices, if he or they shall think fit, being required so to do, to make an order of dismissal of the same (according to Form (9) in the First Schedule), and shall give the defendant in that behalf a certificate thereof (according to Form (10) in the First Schedule), which said certificate afterwards, upon being produced without further proof, shall be a bar to any subsequent information or complaint for the same matters respectively against the same party:

Provided always, that if the information or complaint in any such case shall negative any exemption, exception, proviso or condition in the enactment on which the same shall be framed, it shall not be necessary for the prosecutor or complainant in that behalf to prove such negative, but the defendant may prove the affirmative thereof in his defence, if he would have advantage of the same.

Competency
of witnesses.

14. Every prosecutor of any such information and every complainant in any such complaint as aforesaid, shall be a competent witness to support such information or complaint respectively; and every witness at any such hearing as aforesaid shall be examined upon oath or affirmation, and the Justice or Justices before whom any such witness shall appear for the purpose of being so examined shall have full power and authority to administer to every such witness the usual oath or affirmation.

Power to
adjourn, and
course of
proceeding
upon
adjourn-
ment.

15. Before or during such hearing of any such information or complaint, it shall be lawful for any one Justice or for the Justices present in their discretion to adjourn the hearing of the same to a certain time and place, to be

then appointed and stated in the presence and hearing of the party or parties, or their respective solicitors or agents then present; and in the meantime the said Justice or Justices may suffer the defendant to go at large or may commit him (according to Form (4) in the First Schedule) to prison or to such other safe custody as the Justice or Justices shall think fit, or may grant bail to the defendant in accordance with the Bail Act; and if, at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear personally, or by his or their counsel or solicitors respectively, before the said Justice or Justices or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then and there present to proceed to such hearing, or further hearing, as if such party or parties were present; or, if the prosecutor or complainant shall not appear, the said Justice or Justices may dismiss such information or complaint, with or without costs, as to such Justices shall seem fit.

First
Schedule
Form (4).
31/1995
S. 3.
19/2000
S. 23.

16. In all cases of conviction where no particular form of such conviction is or shall be given by the enactment creating the offence, or regulating the prosecution for the same, and in all cases of conviction upon enactments hitherto passed whether any particular form of conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall convict to draw up his or their conviction on paper in such one of the forms of conviction ((7) (a), (7) (b) or (7) (c)) in the First Schedule and shall be applicable to such case, or to the like effect; and where an order shall be made, and no particular form of order is or shall be given by the enactment giving authority to make such

Form of
convictions
and orders.

First
Schedule
Form
(7) (a).
(7) (b).
(7) (c).
31/1995
S. 3.

First
Schedule
Form
(8) (a),
(8) (b),
(8) (c).

When
minute of
order to be
served on
defendant.
31/1995
S. 3.

order, and in all cases of orders to be made under the authority of any enactments hitherto passed, whether any particular form of order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such order is to be made to draw up the same in such one of the forms of orders (8) (a), (8) (b) or 8 (c) in the First Schedule as may be applicable to such case, or to the like effect; and in all cases where, by any enactment, authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress for not obeying any order of a Justice or Justices, the defendant shall be served with a copy of the minute of such order, before any warrant of commitment or of distress shall issue in that behalf; and such order or minute shall not form any part of such warrant of commitment, or of distress.

Costs.

17. In all cases of summary conviction, or of orders made by a Justice or Justices, it shall be lawful for the Justice or Justices making the same, in his or their discretion, to award and order, in and by such conviction or order, that the defendant shall pay to the prosecutor or complainant respectively, such costs as to such Justice or Justices shall seem just and reasonable in that behalf; and in cases where such Justice or Justices instead of convicting or making an order as aforesaid, shall dismiss the information or complaint, it shall be lawful for him or them, in his or their discretion, in and by his or their order of dismissal, to award and order that the prosecutor or complainant respectively shall pay to the defendant such costs as to such Justice or Justices shall seem just and reasonable; and the sums so allowed for costs shall, in all cases, be specified in such conviction or order, or order of dismissal aforesaid; and the same shall be recoverable in the same manner and under the same warrants, as any penalty or sum of money adjudged to be paid in and by such conviction or order is to be recoverable; and in cases where there is no such

penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of the goods and chattels of the party; and, in default of such distress, by imprisonment, with or without hard labour, for any time not exceeding ten days, unless such costs shall be sooner paid.

18. Where a conviction adjudges a pecuniary penalty or compensation to be paid, or where an order requires the payment of a sum of money, and by the enactment authorizing such conviction or order such penalty, compensation or sum of money is to be levied upon the goods and chattels of the defendant by distress and sale thereof, and also in cases where, by the enactment in that behalf, *no mode of raising or levying such penalty, compensation or sum of money, or of enforcing the payment of the same, is stated or provided*, it shall be lawful for the Justice or Justices making such conviction or order, or for any Justice for the same parish, to issue his or their warrant of distress (in the Form (11) (a) or (11) (b) of the First Schedule, as the case may be) for the purpose of levying the same, which said warrant of distress shall be in writing, under the hand of the Justice making the same:

Power to
issue
warrant of
distress.

First
Schedule
Form
(11) (a),
(11) (b).
31/1995
S. 3.

Provided always, that whenever it shall appear to any Justice to whom application shall be made for any such warrant of distress as aforesaid that the issuing thereof would be ruinous to the defendant and his family, or wherever it shall appear to such Justice, by the confession of the defendant or otherwise, that he hath no goods or chattels whereon to levy such distress, then and in every such case it shall be lawful for such Justice, if he shall deem it fit, instead of issuing such warrant of distress, to commit such defendant to prison with or without hard labour, for such time and in such manner as by law such defendant might be so committed in case such warrant of distress had issued, and no goods or chattels could be

When
defendant
may be
committed
in first
instance.

found whereon to levy such penalty or sum and costs aforesaid. The power conferred upon Justices by this proviso shall be deemed to be conferred, under the circumstances stated therein, in all cases in which by law a Justice is empowered to commit to prison in default of sufficient distress to satisfy a penalty or order.

Justice
after
issuing
warrant of
distress may
suffer
defendant to
go at large,
etc.

19. In all cases where a Justice shall issue any such warrant of distress, it shall be lawful for him to suffer the defendant to go at large, or verbally, or by a written warrant in that behalf, to order the defendant to be kept and detained in safe custody until return shall be made to such warrant of distress, unless such defendant shall give sufficient security, by recognizance or otherwise, to the satisfaction of such Justice, for his appearance before him at the time and place appointed for the return of such warrant of distress, or before such other Justice or Justices for the same parish as may then be there:

Provided always, that in all cases where a defendant shall give security by recognizance as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, then the said Justice who shall have taken the said recognizance, or any Justice or Justices who may then be there present, may proceed to enforce the recognizance in accordance with the Recognizances and Sureties of the Peace Act.

In default
of distress
Justice may
commit
defendant to
prison.
First
Schedule
Form
(11)(c).
31/1995
S. 3.

20. If, at the time and place appointed for the return of any such warrant of distress, the constable who shall have had the execution of the same shall return (in the Form (11) (c) in the First Schedule) that he could find no goods or chattels, or no sufficient goods or chattels, whereon he could levy the sum or sums therein mentioned, together with the costs of or occasioned by the levying of the same, it shall be lawful for the Justice before whom the same shall be returned to issue his warrant of commitment (in the

Form (11) (d) of the First Schedule) under his hand, directed to the same or any other constable, reciting the conviction or order shortly, the issuing of the warrant of distress, and the return thereto, and requiring such constable to convey such defendant to prison and there to deliver him to the Superintendent or other head officer thereof, and requiring such Superintendent or other head officer to receive the defendant into such prison, and there to imprison him, or to imprison him and keep him to hard labour, in such manner and for such time as shall have been directed and appointed by the enactment on which the conviction or order mentioned in such warrant of distress was founded, unless the sum or sums adjudged to be paid, and all costs and charges of the distress and also the costs and charges of the commitment (the amount thereof being ascertained and stated in such commitment) shall be sooner paid.

First
Schedule
Form
(11)(d).
31/1995
S. 3.

21. In cases where, by any enactment, Justices are authorized to issue warrants of distress to levy penalties, or other sums recovered before them, by distress and sale of the offender's goods, but no further remedy is thereby provided if no sufficient distress be found whereon to levy such penalties; and in all cases of convictions or orders where the enactment on which the same are respectively founded provides no remedy in case it shall be returned to a warrant of distress hereon that no sufficient goods of the party against whom such warrant shall have been issued can be found; and also in cases in which it is returned to a warrant of distress, issued under the authority of this Act, for levying any penalty, compensation or sum of money, adjudged or ordered to be paid by any conviction or order, that no sufficient goods of the party against whom such warrant was issued can be found, where the enactment on which the conviction or order is founded provides no mode of raising or levying such penalty, compensation or sum of money, or enforcing payment of the same, it shall neverthe-

Cases where
Act provides
no remedy
in default
of distress.

See Part V.

less be lawful for the Justice to whom such return is made, or to any other Justice for the same parish, if he or they shall think fit, by his warrant as aforesaid to commit the defendant to prison for a term not exceeding three calendar months, unless the sum or sums adjudged to be so paid, and all costs and charges of the distress, and of the commitment (the amount thereof being ascertained and stated in such commitment) shall be sooner paid, and in case of a conviction the imprisonment may be either with or without hard labour.

Power to
Justice to
commit in
first instance
in certain
cases.

22. In all cases where the enactment by virtue of which a conviction for a penalty or compensation, or an order for the payment of money is made, makes no provision for such penalty or compensation or sum being levied by distress, but directs that if the same be not paid forthwith, or within a certain time therein mentioned, or to be mentioned in such conviction or order, the defendant shall be imprisoned, or imprisoned and kept to hard labour, for a certain time, unless such penalty, compensation or sum shall be sooner paid, in every such case such penalty, compensation or sum shall not be levied by distress; but if the defendant do not pay the same, together with costs, if awarded, forthwith, or at the time specified in such conviction or order, for the payment of the same, it shall be lawful for the Justice or Justices making such conviction or order, or for any other Justice for the same parish, to issue his or their warrant of commitment (in the Form (12) (a) or (12) (b) of the First Schedule, as the case may be), under his or their hand or hands, requiring the constable or constables to whom the same shall be directed, to take and convey such defendant to prison, and there to deliver him to the Superintendent or other head officer thereof, and requiring such Superintendent or other head officer to receive such defendant into such prison and there to imprison him, or to imprison him and keep him to hard labour, as the case

First
Schedule
Form
(12) (a),
(12) (b),
31/1995
S. 3.

may be, for such time as the enactment on which such conviction or order is founded as aforesaid shall direct, unless the sum or sums adjudged to be paid and also all costs and charges shall be sooner paid.

23. Where a conviction does not order the payment of any penalty, but that the defendant be imprisoned or imprisoned and kept to hard labour, for his offence; or where an order is not for the payment of money, but for the doing of some other act, and directs that in case of the defendant's neglect or refusal to do such act he shall be imprisoned, or imprisoned and kept to hard labour, and the defendant neglects or refuses to do such act; in every such case it shall be lawful for such Justice or Justices making such conviction or order, or for some other Justice for the same parish, to issue his or their warrant of commitment (in the Form (13) (a) or (13) (b) of the First Schedule, as the case may be), under his or their hand or hands, and requiring the constable or constables to whom the same shall be directed, to take and convey such defendant to prison and there to deliver him to the Superintendent or other head officer thereof, and requiring such Superintendent or other head officer to receive such defendant into such prison, and there to imprison him, or to imprison him and keep him to hard labour, as the case may be, for such time as the enactment on which such conviction or order is founded as aforesaid shall direct; and in all such cases, where by such conviction or order any sum for costs shall be adjudged to be paid by the defendant to the prosecutor or complainant, such sum may, if the Justice or Justices shall think fit, be levied by warrant of distress (in the Form (13) (c) or (13) (d) of the First Schedule, as the case may be), in manner aforesaid; and, in default of distress, the defendant may, if such Justice or Justices shall think fit, be committed

Power to Justice to commit where the conviction is not for a penalty, nor the order for payment of money, and the punishment, etc.

First Schedule Form (13) (a), (13) (b), 31/1995 S. 3.

First Schedule Form (13) (c), (13) (d).

First
Schedule
Form
(13) (e).
31/1995
S. 3.

(in the Form (13) (e) of the First Schedule) to the same prison, in manner aforesaid, there to be imprisoned for a term not exceeding one calendar month, to commence at the termination of the imprisonment he shall then be undergoing, unless such sum for costs, and all costs and charges of the said distress, and also the costs and charges of the commitment, shall be sooner paid.

Imprisonment for second offence to commence at expiration of that for previous offence.

24. Where a Justice or Justices, shall, upon any such information or complaint as aforesaid, adjudge the defendant to be imprisoned, and such defendant shall then be in prison undergoing imprisonment upon a conviction for any other offence, the warrant of commitment for such subsequent offence shall, in every such case, be forthwith delivered to the Superintendent or other head officer to whom the same shall be directed; and it shall be lawful for the Justice or Justices issuing the same, if he or they shall think fit, to award and order therein and thereby that the imprisonment for such subsequent offence shall commence at the expiration of the imprisonment to which such defendant shall have been previously adjudged or sentenced.

Information dismissed, costs may be recovered from prosecutor, etc.
First
Schedule
Form
(14) (a).
31/1995
S. 3.
First
Schedule
Form
(14) (b).
31/1995
S. 3.

25. Where any information or complaint shall be dismissed with costs as aforesaid, the sum which shall be awarded for costs in the order for dismissal may be levied by distress (in accordance with Form (14) (a) of the First Schedule) on the goods and chattels of the prosecutor or complainant in manner aforesaid, and in default of distress or payment, such prosecutor or complainant may be committed (in accordance with Form (14) (b) of the First Schedule) to prison, in manner aforesaid, for a term not exceeding ten days, unless such sum, and all costs and charges of the distress, and of the commitment (the amount thereof being ascertained and stated in such commitment) shall be sooner paid.

26. In all cases where any person against whom a warrant of distress shall issue as aforesaid shall pay or tender to the constable having the execution of the same the sum or sums in such warrant mentioned, together with the amount of the expenses of such distress up to the time of such payment or tender, such constable shall cease to execute the same, and in all cases in which any person shall be imprisoned as aforesaid for non-payment of any penalty or other sum, he may pay, or cause to be paid, to the Superintendent or other head officer of the prison in which he shall be so imprisoned, the sum in the warrant of commitment mentioned, together with the amount of the costs, charges, and expenses (if any) therein also mentioned; and the said Superintendent or other head officer shall receive the same, and shall thereupon discharge such person, if he be in his custody for no other matter.

Defendant may tender payment to constable or gaoler.

27. In all cases of summary proceedings before a Justice or Justices out of sessions, upon any information or complaint as aforesaid, it shall be lawful for one Justice to receive such information or complaint, and to grant a summons or warrant thereon, and to issue his summons or warrant to compel the attendance of any witness, and to do other necessary acts and matters preliminary to the hearing, even in cases where, by the law in that behalf, such information or complaint must be heard and determined by two or more Justices; and, after the case shall have been so heard and determined, one Justice may issue all warrants of distress or commitment thereon; and it shall not be necessary that the Justice who so acts before or after such hearing shall be the Justice or one of the Justices by whom the said case shall be heard and determined:

In summary proceedings one Justice may issue summons or warrant, etc., and, after conviction or order, may issue warrant of distress.

Provided always, that in all cases where by law it is or shall be required that any such information or complaint shall be heard and determined by two or more Justices, or that a conviction or order shall be made by two or

more Justices, such Justices must be present and acting together during the whole of the hearing and determination of the case.

Forms in
First
Schedule
relating to
proceedings
under
Part I.
31/1995
S. 3.

28. The several forms in the First Schedule relating to proceedings under this Part or forms to the like effect shall be deemed good and valid and sufficient in law; and it shall not be necessary to the validity thereof that the same shall be, or purport to be, made under seal.

PART II. *Preliminary Examinations*
Indictable Offences

When
Justice
may cause
party to be
brought
before him.
First
Schedule
Form (15).
31/1995
S. 3.

29. In all cases where a charge or complaint (according to Form (15) in the First Schedule), shall be made before any one or more of Her Majesty's Justices of the Peace for any parish within this Island that any person has committed, or is suspected to have committed, any treason, felony, or indictable misdemeanour or other indictable offence whatsoever within the limits of the jurisdiction of such Justice or Justices or that any person guilty or suspected to be guilty, of having committed any such crime or offence elsewhere out of the jurisdiction of such Justice or Justices, is residing or being, or is suspected to reside or be, within the limits of the jurisdiction of such Justice or Justices, then and in every such case, if the person so charged or complained against shall not then be in custody, it shall be lawful for such Justice or Justices to issue his or their warrant (according to Form (16) in the First Schedule), to apprehend such person, and to cause him to be brought before such Justice or Justices or any other Justice or Justices for the same parish, to answer to such charge or complaint, and to be further dealt with according to law:

First
Schedule
Form (16).
31/1995
S. 3.

Provided always, that in all cases it shall be lawful for such Justice or Justices to whom such charge or complaint shall be preferred, if he or they shall so think fit, instead

of issuing in the first instance his or their warrant to apprehend the person so charged or complained against to issue his or their summons (according to Form (17) in the First Schedule), directed to such person, requiring him to appear before the said Justice or Justices at a time and place to be therein mentioned, or before such other Justice or Justices of the said parish as may then be there; and if, after being served with such summons in manner herein-after mentioned, he shall fail to appear at such time and place in obedience to such summons, then and in every such case the said Justice or Justices, or any other Justice or Justices for the said parish, may issue his or their warrant (according to Form (18) in the First Schedule), to apprehend such person so charged or complained against and cause such person to be brought before him or them, or before some other Justice or Justices for the said parish, to answer to the said charge or complaint, and to be further dealt with according to law:

First
Schedule
Form (17).
31/1995
S. 3.

First
Schedule
Form (18).
31/1995
S. 3.

Provided, nevertheless, that nothing herein contained shall prevent any Justice or Justices from issuing the warrant hereinbefore first-mentioned at any time before or after the time mentioned in such summons for the appearance of the said accused party.

30. It shall be lawful for any Justice or Justices to grant or issue any warrant as aforesaid, or any search warrant, on a Sunday as well as on any other day.

Power to
Justice to
issue
warrants
on a Sunday

31. In all cases where a charge or complaint for any indictable offence shall be made before such Justice or Justices as aforesaid, if it be intended to issue a warrant in the first instance against the party or parties so charged, a written information and complaint thereof (according to Form (15) in the First Schedule), on the oath or affirmation of the informant, or of some witnesses in that behalf, shall be laid before such Justice or Justices:

When
information
in writing
necessary.

First
Schedule
Form (15).
31/1995
S. 3.

Provided always, that in all cases where it is intended to issue a summons instead of a warrant in the first instance, it shall not be necessary that such information and complaint shall be in writing, or be sworn to or affirmed in manner aforesaid, but in every such case such information and complaint may be by parole merely, and without any oath or affirmation whatsoever to support or substantiate the same:

Provided also, that no objection shall be taken or allowed to any such information or complaint for any alleged defect therein in substance, or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice or Justices who shall take the examination of the witnesses in that behalf as hereinafter mentioned.

Procedure to
compel
attendance
of person
charged.

32. Upon such information and complaint being so laid as aforesaid, the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their summons or warrant respectively as, hereinbefore is directed, to cause the person charged as aforesaid to be and appear before him or them, or any other Justice or Justices for the said parish, to be dealt with according to law; and every such summons (according to Form (17) in the First Schedule) shall be directed to the party so charged in and by such information, and shall state shortly the matter of such information, and shall require the party to whom it is so directed to be and appear at a certain time and place therein mentioned before the Justice who shall issue such summons, or before such other Justice or Justices of the said parish as may then be there, to answer to the said charge, and to be further dealt with according to law; 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 the party personally, or, if he cannot con-

First
Schedule
Form (17).
31/1995
S. 3.

veniently be met with, then by leaving the same with some person for him at his last or most usual place of abode; and the constable or other peace officer who shall have served the same in manner aforesaid shall attend at the time and place, and before the Justices in the said summons mentioned, to depose, if necessary, to the service of such summons; and if the person so served shall not be and appear before the Justice or Justices at the time and place mentioned in such summons in obedience to the same, then it shall be lawful for such Justice or Justices to issue his or their warrant (according to Form (18) in the First Schedule), for apprehending the party so summoned, and bringing him before such Justice or Justices, or some other Justice or Justices for the said parish, to answer the charge in the said information and complaint mentioned, and to be further dealt with according to law:

First
Schedule
Form (18).
31/1995
S. 3.

Provided always, that no objection shall be taken or allowed to any such summons or warrant for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice or Justices who shall take the examination of the witnesses in that behalf as hereinafter mentioned; but if any such variance shall appear to such 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 of the case to some future day, and in the meantime to remand the party so charged, or admit him to bail in manner hereinafter mentioned.

33. Every warrant (according to Form (18) in the First Schedule) hereafter to be issued by any Justice or Justices to apprehend any person charged with any indictable offence shall be under the hand or hands of the Justice or Justices issuing the same, and may be directed either to any

Warrant to
apprehend.
First
Schedule
Form (18).
31/1995
S. 3.

constable or other person by name, or generally to the constable of the parish within which the same is to be executed, without naming him; or to such constable, and all other constables or peace officers in the parish within which the Justice or Justices issuing such warrant has or have jurisdiction; or generally to all the constables or peace officers within such last-mentioned parish; and it shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender, and it shall order the person or persons to whom it is directed to apprehend the offender, and bring him before the Justice or Justices issuing the said warrant, or before some other Justice or Justices for the said parish, to answer to the charge contained in the said information, and to be further dealt with according to law; and it shall not be necessary to make such warrant returnable at any particular time, but the same may remain in force until it shall be executed:

Defects in substance or form of warrant.

Provided always, that no objection shall be taken or allowed to any such warrant for any defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice or Justices who shall take the examinations of the witnesses in that behalf as hereinafter mentioned; but if any such variance shall appear to such 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 of the case to some future day, and in the meantime to remand the party so charged, or to admit him to bail in manner hereinafter mentioned.

Examination.

34. In all cases where any person shall appear or be brought before any Justice or Justices charged with any indictable offence committed within this Island, or whether such person appear voluntarily upon summons, or have been apprehended with or without warrant, or be in cus-

tody for the same, or any other offence, such Justice or Justices, before he or they shall commit such accused person to prison for trial, or before he or they shall grant him bail in accordance with the Bail Act, shall, in the presence of such accused person who shall be at liberty to put questions to any witness produced against him, take the statement (according to Form (19) in the First Schedule) on oath or affirmation of those who shall know the facts and circumstances of the case, and shall put the same into writing; and such depositions shall be read over to, and signed respectively by, the witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such witness shall appear to be examined as aforesaid shall, before such witness is examined, administer to such witness the usual oath or affirmation, which such Justice or Justices shall have full power and authority to do; and if upon the trial of the person so accused as first aforesaid, it shall be proved by the oath or affirmation of any credible witness that any person whose deposition shall have been taken as aforesaid is dead, or so ill as not to be able to travel, or is absent from this Island or is not of competent understanding to give evidence by reason of his being insane, and if also it be proved that such deposition was taken in the presence of the person so accused, and that he, or his counsel or solicitor had a full opportunity of cross-examining the witness, then, if such deposition purport to be signed by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence in such prosecution, without further proof thereof, unless it shall be proved that such deposition was not, in fact, signed by the Justice purporting to sign the same:

19/2000
S. 23.

First
Schedule
Form (19).
31/1995
S. 3.

Provided, that no deposition of a person absent from the Island or insane shall be read in evidence under the powers of this section, save with the consent of the court before which the trial takes place.

Room where
examination
taken not to
be deemed
an open
court.

35. The room or building in which such Justice or Justices shall take such examinations and statement as aforesaid shall not be deemed an open court for that purpose; and it shall be lawful for such Justice or Justices, in his or their discretion, to order that no person shall have access to, or be or remain in, such room or building, without the consent or permission of such Justice or Justices, if it appear to him or them that the ends of justice will be best answered by so doing.

Depositions
to be read
to accused.

36. After the examinations of all the witnesses on the part of the prosecution as aforesaid shall have been completed, the Justice, or one of the Justices by or before whom such examination shall have been so completed as aforesaid, shall, without requiring the attendance of the witnesses, read, or cause to be read, to the accused the depositions taken against him, and shall say to him these words, or words to the like effect : "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial"; and whatever the prisoner shall then say in answer thereto shall be taken down in writing (according to Form (20) in the First Schedule), and read over to him, and shall be signed by the said Justice or Justices, and kept with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned; and afterwards, upon the trial of the said accused person, the same may if necessary be given in evidence against him, without further proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same:

First
Schedule
Form (20).
31/1995
S. 3.

Provided always, that the said Justice or Justices, before such accused person shall make any statement, shall state to him, and give him clearly to understand, that he has

nothing to hope from any promise of favour, and nothing to fear from any threat, which may have been holden out to him to induce him to make any admission or confession of his guilt; but that whatever he shall then say may be given in evidence against him upon his trial, notwithstanding such promise or threat :

Provided nevertheless, that nothing herein enacted or contained shall prevent the prosecutor in any case from giving in evidence any admission, or confession, or other statement of the person accused or charged, made at any time' which by law would be admissible as evidence against such person.

37. In all cases where any person shall appear or be brought before any Justice, charged with any indictable offence, such Justice, before he shall commit such accused person for trial, or grant him bail in accordance with the Bail Act, shall immediately after obeying the directions of section 36, ask such accused person whether he desires to call any witnesses, and if the accused person shall call any witnesses, such Justice shall, in the presence of such accused person, take the statement, on oath or affirmation, both examination and cross-examination, of those who shall be so called as witnesses by such accused person in the same way that the statements of the witnesses for the prosecution are taken; and such depositions of such witnesses shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice taking the same, and transmitted in due course of law in the same way as the depositions of the witnesses for the prosecution are read over, signed, and transmitted, and such witnesses, not being witnesses merely to the character of the accused, as shall, in the opinion of the Justice, give evidence in any way material to the case, shall be bound by recognizance to appear and give evidence at the said trial; and all the enactments in force relating to the

How
Justices
are to pro-
ceed when
any person
shall be
brought
before them
charged
with an
indictable
offence.
19/2000
S. 23.

depositions of witnesses for the prosecution shall extend and be applicable to the depositions of witnesses hereby directed to be taken.

Power to
Justice to
bind over
prosecutor
and
witnesses.
First
Schedule
Form
(21) (a).
31/1995
S. 3.

38. It shall be lawful for the Justice or Justices before whom such witnesses shall be examined as aforesaid to bind by recognizance (in the Form (21) (a) of the First Schedule) the prosecutor and every such witness to appear at the next Circuit Court at which the accused is to be tried, then and there to prosecute, or to prosecute and give evidence, or to give evidence, as the case may be, against the party accused; which said recognizance shall particularly specify the profession, art, mystery, or trade of every such person entering into, or acknowledging the same, together with his Christian and surname, and the parish in which he resides; and the said recognizance, being duly acknowledged by the person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a notice thereof (in the Form (21) (b) of the First Schedule), signed by the said Justice or Justices, shall at the same time be given to the person bound thereby; and the several recognizances so taken, together with the written information (if any), the depositions, the statement of the accused, and the recognizance of bail (if any) in every such case shall be delivered by the said Justice or Justices, or he or they shall cause the same to be delivered to the Director of Public Prosecutions and he to the proper officer of the court in which the trial is to be had, before or at the opening of the said court, on the first day of the sitting thereof, or at such other time as the Judge who is to preside in such court at the said trial shall order and appoint :

First
Schedule
Form
(21) (B).
31/1995
S. 3.

Witness
refusing to
enter into
recognizance
may be
committed.
First
Schedule.
Form
(22) (a).
31/1995
S. 3.

Provided always, that if any such witness shall refuse to enter into, or acknowledge such recognizance as aforesaid, it shall be lawful for such Justice or Justices, by his or their warrant (in the Form (22) (a) of the First Schedule) to commit him to prison there to be imprisoned and safely kept until after the trial of such accused party, unless, in

the meantime, such witness shall duly enter into such recognizance as aforesaid before some one Justice for the parish in which such prison shall be situated :

Provided nevertheless, that if afterwards, from want of sufficient evidence in that behalf, or other cause, the Justice or Justices, before whom such accused party shall have been brought shall not commit him, or hold him to bail, for the offence with which he is charged, it shall be lawful for such Justice or Justices, or any other Justice or Justices of the same parish, by his or their order in that behalf (in the Form (22) (b) of the First Schedule) to order and direct the Superintendent or other head officer of such prison where such witness shall be so in custody, to discharge him from the same; and such Superintendent or other head officer shall thereupon forthwith discharge him accordingly.

First
Schedule
Form
(22) (b).
31/1995
S. 3.

39.—(1) If, from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination, or further examination, of the witnesses for any time, it shall be lawful to and for the Justice or Justices before whom the accused shall appear or be brought, by his or their warrant (in the Form (23) (a) of the First Schedule) from time to time to remand the party accused, for such time as by such Justice or Justices in their discretion shall be deemed to be reasonable, not exceeding eight clear days, to prison.

Power to
remand, etc.

First
Schedule
Form
(23) (a).
31/1995
S. 3.

(2) In any case in which it becomes necessary to defer the examination or further examination of an accused party, and the Justice or Justices before whom such accused party appears or is brought is or are willing that such accused party, instead of being detained in custody until the day to be appointed for the examination or further examination, should be granted bail in accordance with the Bail Act,

Power to
Justices in
certain cases
to defer
examination
for fourteen
days.

19/2000
S. 23.

it shall be lawful for the said Justice or Justices to defer the examination or further examination of the party accused for such time, not exceeding fourteen clear days, as to the said Justice or Justices may in their discretion be deemed reasonable.

Remand not
exceeding
three days.

(3) If the remand be for a time not exceeding three clear days, it shall be lawful for such Justice or Justices verbally to order the constable or other person in whose custody such party accused may then be, or any other constable or person to be named by the said Justice or Justices in that behalf, to continue or keep such party accused in his custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the time appointed for continuing such examination:

Provided always, that any such Justice or Justices may order such accused party to be brought before him or them, or before any other Justice or Justices of the Peace, for the same parish, at any time before the expiration of the time for which such accused party shall be so remanded; and the Superintendent or other head officer in whose custody he shall then be shall duly obey such order:

Provided also, that instead of detaining the accused party in custody during the period for which he shall be so remanded, any one Justice before whom such accused party shall so appear or be brought as aforesaid may grant him bail in accordance with the Bail Act.

19/2000
S. 23.

(4) The power by warrant to remand, or verbally to order the continued detention of an accused person conferred by this section shall be deemed to be conferred in cases only where an information upon oath shall have been or shall be laid, and where the Justice or Justices shall have satisfied himself, or themselves, by evidence on oath, that there was reasonable ground for apprehending the prisoner, and that there is a reasonable probability of evidence being forthcoming to prove the charge against him.

Power to remand accused persons limited to certain cases.

40. Whenever a person shall appear, or shall be brought before a Justice or Justices in the parish wherein such Justice or Justices shall have jurisdiction, charged with an offence alleged to have been committed by him in any parish within this Island, wherein such Justice or Justices shall not have jurisdiction, it shall be lawful for such Justice or Justices, and he and they are hereby required, to examine such witnesses, and receive such evidence in proof of such charge as shall be produced before him or them within his or their jurisdiction; and if, in his or their opinion, such testimony and evidence shall be sufficient proof of the charge made against such accused party, such Justice or Justices shall thereupon commit him to prison, or shall grant him bail in accordance with the Bail Act, and shall bind over the prosecutor (if he have appeared before him or them) and the witnesses by the recognizance accordingly, as in hereinbefore mentioned; but if such testimony and evidence shall not, in the opinion of such Justice or Justices, be sufficient to put the accused party upon his trial for the offence with which he is so charged, then such Justice or Justices shall bind over such witnesses as he shall have examined, by recognizance, to give evidence as hereinbefore is mentioned; and such Justice or Justices

Examination of accused in parish other than that where offence charged to have been committed.

19/2000
S. 3.

shall by warrant (according to Form (24) in the First Schedule) under his or their hand or hands, order such accused party to be taken before some Justice or Justices in and for the parish where the offence is alleged to have been committed, and shall, at the same time, deliver the information and complaint, and also the depositions and recognizances so taken by him or them to the constable or other officer who shall have the execution of such last-mentioned warrant, to be by him delivered to the Justice or Justices before whom he shall take the accused, in obedience to the said warrant; and which said depositions and recognizances shall be deemed to be taken in the case, and shall be treated, to all intents and purposes, as if they had been taken by or before the said last-mentioned Justice or Justices; and shall, together with such depositions and recognizances as such last-mentioned Justice or Justices shall take in the matter of such charge against the said accused party, be transmitted to the Director of Public Prosecutions and by him to the Clerk of the Court where the said accused party is to be tried, in the manner and at the time hereinbefore mentioned, if such accused party shall be committed for trial upon the said charge, or shall be granted bail:

First
Schedule
Form (24),
31/1995
S. 3.

19/2000
S. 23.

Provided always, that if such last-mentioned Justice or Justices shall not think the evidence against such accused party sufficient to put him upon his trial and shall discharge him without holding him to bail, every such recognizance so taken by the said first-mentioned Justice or Justices as aforesaid shall be null and void.

Bail.

41. Where any person shall appear or be brought before a Justice charged with any felony, or with any assault with intent to commit any felony, or with any attempt to commit any felony, or with obtaining or attempting to obtain property by

false pretences, or with a misdemeanour in receiving property stolen or obtained by false pretences, or with perjury, or subornation of perjury, or with concealment of the birth of a child, or with wilful or indecent exposure of the person, or with riot, or with assault in pursuance of a conspiracy to raise wages, or assault upon a peace officer in the execution of his duty, or upon any person acting in his aid, or with neglect or breach of duty as a peace officer, or with any misdemeanour for the prosecution of which the costs may be allowed out of the public funds of this Island, such Justice may, in his discretion, grant bail to such person in accordance with the Bail Act; and thereupon such Justice shall take the recognizance (in the Form (25) (a) or (25) (b) of the First Schedule, as the case may be), of the said accused person and his surety or sureties conditioned for the appearance of such accused person at the time and place of trial, and that he will then surrender and take his trial, and not depart the court without leave; and in all cases where a person charged with any indictable offence shall be committed to prison to take his trial for the same, it shall be lawful at any time afterwards and before the first day of the sitting of the court at which he is to be tried, or before the day to which such court may be adjourned, for the Justice or Justices who shall have signed the warrant for his commitment, in his or their discretion, to grant him bail in manner aforesaid; or if such committing Justice or Justices shall be of opinion that for any of the offences hereinbefore mentioned the said accused person ought to be granted bail, he or they shall, in such cases, and in all other cases of misdemeanours, certify (in the Form (25) (c) of the First Schedule) on the back of the warrant of commitment his or their consent to such accused party being bailed, stating also the amount of bail which ought to be required, and it shall be lawful for any Justice attending or being at the prison where such accused party shall be in custody, on production of such

19/2000
S. 23.

First
Schedule
Forms
(25) (a),
(25) (b).
31/1995
S. 3.

19/2000
S. 23.

19/2000
S. 23.

First
Schedule
Form
(25) (c).
31/1995
S. 3.

19/2000
S. 23.

First
Schedule
Form
(25) (d).
31/1995
S. 3.

certificate, to grant him bail in manner aforesaid; or if it shall be inconvenient for the surety or sureties in such a case to attend at such prison to join with such accused person in the recognizance of bail, then such committing Justice or Justices may make a duplicate of such certificate (according to the Form (25) (d) of the First Schedule), and, upon the same being produced to any Justice for the same parish, it shall be lawful for such last-mentioned Justice to take the recognizance of the surety or sureties in conformity with such certificate; and upon such recognizance being transmitted to the Keeper of such prison, and produced, together with the certificate on the warrant of commitment as aforesaid, to any Justice attending or being at such prison, it shall be lawful for such last-mentioned Justice thereupon to take the recognizance of such accused party, and to order him to be discharged out of custody as to that commitment, as hereinafter mentioned; and where any person shall be charged before any Justice with any indictable misdemeanour other than those hereinbefore mentioned, such Justice after taking the examinations in writing as aforesaid, instead of committing him to prison for such offence, shall grant him bail in manner aforesaid; or, if he has been committed to prison, and shall apply to any one of the Visiting Justices of such prison, or to any other Justice for the same parish, before the first day of the sitting of the court at which he is to be tried, or before the day to which such court may be adjourned, to be granted bail, such Justice shall accordingly grant him bail in manner aforesaid; and in all cases where such accused person in custody shall be granted bail by a Justice other than the committing Justice or Justices as aforesaid, such Justice so granting him bail shall forthwith transmit the recognizance or recognizances of bail to the committing Justice or Justices, or one of them, to be by him or them transmitted with the examinations, to the proper officer:

Provided nevertheless, that no Justice or Justices shall grant bail to any person for treason nor shall such person

19/2000
S. 23.

be granted bail, except by order of a Judge of the Supreme Court.

19/2000
S. 23.

42. In all cases where a Justice or Justices shall admit to bail any person who shall then be in any prison charged with the offence for which he shall be so granted bail, such Justice or Justices shall send to, or cause to be lodged with, the Superintendent or other head officer of such prison, a warrant of deliverance (in the Form (25) (e) of the First Schedule), under his or their hand or hands, requiring the said Superintendent or other head officer to discharge the person so granted bail, if he be detained for no other offence; and upon such warrant of deliverance being delivered to or lodged with such Superintendent or other head officer, he shall forthwith obey the same.

Warrant of
deliverance.

19/2000
S. 23.

First
Schedule
Form
(25) (e).
31/1995
S. 3.
19/2000
S. 23.

43. When all the evidence offered upon the part of the prosecution against the accused party shall have been heard, if the Justice or Justices then present shall be of opinion that is not sufficient to put such accused party upon his trial for any indictable offence, such Justice or Justices shall forthwith order such accused party, if in custody, to be discharged as to the information then under inquiry; but if, in the opinion of such Justice or Justices, such evidence is sufficient to put the accused party upon his trial for an indictable offence, or if the evidence given raise a strong or probable presumption of the guilt of such accused party, then such Justice or Justices shall by his or their warrant (according to Form (26) (a) in the First Schedule) commit him to prison to be there safely kept until he shall be thence delivered by due course of law, or grant him bail as hereinbefore mentioned.

What to be
done after
hearing of
case for
prosecution.

First
Schedule
Form
(26) (a)
31/1995
S. 3.
19/2000
S. 23.

44. The constable, or any of the constables, or other persons to whom the said warrant of commitment shall be directed, shall convey such accused person therein named or described to the prison mentioned in such warrant, and there deliver him,

Constable
to take
accused to
prison.

First
Schedule
Form
(26) (b).
31/1995
S. 3.

together with such warrant, to the Superintendent or other head officer of such prison, who shall thereupon give such constable or other person so delivering such prisoner into his custody, a receipt (according to Form (26) (b) in the First Schedule) for such prisoner, setting forth the state and condition in which such prisoner was when he was delivered into the custody of such Superintendent or other head officer.

Defendant
entitled to
copy of
depositions.

45. At any time after all the examinations aforesaid shall have been completed, and before the first day of the sitting of the Circuit Court at which any person so committed to prison or admitted to bail as aforesaid is to be tried, such person may require, and shall be entitled to have, of and from the officer or person having the custody of the same, copies of the depositions on which he shall have been committed or bailed, on payment of a reasonable sum for the same, not exceeding at the rate of five dollars for each folio of one hundred and sixty words.

31/1995
S. 3.

Forms in
First
Schedule,
numbered
(15) to (26).
31/1995
S. 3.

46. The several forms in the First Schedule contained, relating to procedure under this Part, or forms to the same or the like effect, shall be deemed good, valid and sufficient in law.

PART III. *General Provisions*

Power to
summon
witnesses.

47. If it shall be made to appear to any Justice by the oath or affirmation of any credible person that any person is likely to give material evidence on behalf of the prosecutor, or complainant, or defendant in proceedings under Part I or on behalf of the prosecution or defence under Part II, such Justice may, and is hereby required to issue his summons in the Form (27) or (28) of the First Schedule, as the case may require, to such person, under his hand, requiring him to be and appear at a time and place mentioned in such summons before such Justice or before such other Justice or Justices for the same parish as shall then be there to testify what he shall know concerning the matter

First
Schedule
Forms
(27), (28).
31/1995
S. 3.

of the information or complaint under Part I, or charge made against the accused party under Part II; and if such person so summoned shall neglect or refuse to appear at the time and place appointed by the said summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such summons having been served upon such person either personally or by leaving the same for him with some person at his last or most usual place of abode; and—with regard to proceedings under Part I—that a reasonable sum was paid or tendered to him for his costs in that behalf), it shall be lawful for such Justice or Justices, before whom such person should have appeared, to issue a warrant in the Form (29) or (30) of the First Schedule, as the case may require, under his or their hands, to bring and have such person at a time and place to be therein mentioned, before the Justice who issued the said summons, or before such other Justice or Justices for the same parish as shall then be there, to testify as aforesaid; and which said warrant may be executed out of the jurisdiction of the Justice who shall have issued the same; or, if such Justice shall be satisfied by evidence upon oath or affirmation that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the Form (31) or (32) of the First Schedule, as the case may require, in the first instance; and if, on the appearance of such person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said summons or upon being brought before him or them by virtue of the said warrant, such person shall refuse to be examined upon oath or affirmation, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, any Justice then present, and

First
Schedule
Forms
(29), (30).
31/1995
S. 3.

First
Schedule
Forms
(31), (32).
31/1995
S. 3.

First
Schedule
Forms
(33), (34).
31/1995
S. 3.

having there jurisdiction may by warrant (in the Form (33) or (34) of the First Schedule, as the case may require) under his hand commit the person so refusing to prison there to remain and be imprisoned for any time not exceeding seven days, unless he shall, in the meantime consent to be examined and to answer concerning the premises:

First
Schedule
Form (29).

Provided, however, that where the information or complaint is preferred by the police, and the witness is a witness summoned by them, it shall not be necessary before the issue of a warrant (in Form (29)) to prove that a reasonable sum was paid or tendered to him for his costs and expenses in that behalf.

Power of
Justices to
order pro-
duction of
documents.

48. The provisions of any laws relating to the administration of criminal justice enabling a Justice to issue a summons to any witness to attend to give evidence before a court of summary jurisdiction, shall be deemed to include the power to summon and require a witness to produce to such court books, plans, papers, documents, articles, goods and things likely to be material evidence on the hearing of any charge, information, or complaint and the provisions of those sections relating to the neglect or refusal of a witness, without just excuse, to attend and give evidence or to be sworn, or to give evidence, shall apply accordingly.

Provision to
execute
warrant in
any parish.

49.—(1) Any warrant lawfully issued by a Justice for compelling the appearance of any person or for apprehending any person charged with an offence, whether punishable on summary conviction or on indictment, and any warrants of commitment, search warrant or warrant of distress, lawfully issued by a Justice, may be executed in any parish in Jamaica outside the jurisdiction of the Justice by whom it was issued in the same manner as if it had originally issued by a Justice having jurisdiction in that parish and the execution may be effected either by any person to whom the warrant was originally directed

or by any constable, and in the case of a warrant of commitment the person apprehended may be conveyed either to the prison mentioned in the warrant or to any other prison.

(2) The power of a Justice under section 47 to issue process for the purpose of obtaining the attendance as a witness of any person, and under section 48 to summon and require any such person to attend as a witness and to produce such books, plans, papers, documents, articles, goods and things as are mentioned in the said section, shall be extended so as to authorize the issue of such process in the case of a person who though not within the jurisdiction of the Justice is in any parish in Jamaica.

50. Whenever a Justice shall issue his warrant to compel the attendance of any person to give evidence, the constable or other officer executing such warrant, or otherwise in charge of such person thereunder, shall, when required by such person so to do, immediately take him before the Justice issuing such warrant, or before any Resident Magistrate or any Justice having the power of two Justices; and it shall be lawful for the Resident Magistrate or Justice before whom such person is so taken, in his discretion to admit such person to bail, in such amount as to such Resident Magistrate or Justice shall seem proper, conditioned for the appearance of such person at the time and place in the warrant specified, to testify what he shall know concerning the charge or complaint in question.

Power to
bail witness-
es arrested
under war-
rants.

51. Every subpoena, summons to compel the appearance of any person, or warrant for the apprehension of any person charged with any offence, issued by any Justice or Justices in any parish, may be served or executed out of such parish by the policeman or constable to whom the same shall be directed, or any other policeman or constable, and shall have the same force and effect as if the same had been originally issued, or subsequently endorsed, by a

Subpoena,
summons or
warrant
issued in
one parish
may be
served or
executed in
another.

Justice or Justices having jurisdiction in the parish where the same shall be served or executed.

Bail may be taken in any parish in which party apprehended. 19/2000 S. 23.

52. It shall be lawful for any Justice before whom any person shall be brought under a warrant, and who shall be apprehended in another parish other than that in which the offence was committed, to grant bail in accordance with the Bail Act, by recognizance, for the appearance of such person before the Justices of the parish in which the offence was committed, in such an amount as the Justice shall think fit.

Justice for two parishes may act for one whilst residing in the other .

53. In cases where a Justice for any parish in this Island shall be also a Justice for any other parish in the said Island, it shall and may be lawful for such Justice to act as such Justice for the one parish whilst he is residing or happens to be in the other such parish in all matters and things in this Act mentioned; and all such acts of such Justice, and the acts of any constable or other officer in obedience thereto, shall be as valid, good, and effectual in the law, to all intents and purposes, as if such Justice, at the time he shall so act as aforesaid, were in the parish for which he shall so act; and all constables, and other officers for the parish for which such Justice shall so act as aforesaid, are hereby authorized and required to obey the warrants, orders, directions, act or acts of such Justice which in that behalf shall be granted, given or done; and to do and perform their several offices and duties in respect thereof under the penalties to which any constable or other officer may be liable for a neglect of duty; and any such constable or other peace officer, or any other person apprehending or taking into custody any person offending against law, and whom he lawfully may and ought to apprehend or take into custody by virtue of his office or otherwise in any such parish, may lawfully take and convey such person so apprehended and taken as aforesaid to and before any such Justice for such parish, whilst such Justice shall be in such other parish as aforesaid; and the said constables

and other peace officers, and all such other persons as aforesaid, are hereby authorized and required, in all such cases, so to act in all things as if the said Justice were within the said parish for which he shall so act.

54. All and singular the provisions, remedies and forms prescribed and given by Part I or by any section relating to proceedings under Part I shall be construed to extend wherever applicable to all Statutes of this Island heretofore enacted and hereinafter to be passed, and under which a summary jurisdiction has been, or shall be given to Justices of the Peace.

Part I to extend to later Acts giving summary jurisdiction to Justices.

55. The forms relating to proceedings under Part I may be adapted to meet the varying circumstances of each case which may have arisen, or may arise, in the application thereof; and the said forms may be simplified in their frame and language, provided the substance and effect thereof be preserved.

Forms relating to proceedings under Part I.

56. Any person interested in the execution of any distress warrant may assume the defence of any action which may be brought against any police officer, or other person in respect of the execution of any such warrant.

Person interested in execution of distress warrant may defend action brought against constable for executing it. Enforcement for fine.

57. Wherever Justices in Petty Sessions are invested with powers to inflict a pecuniary fine, and whether or not a particular mode of enforcement in default of payment be prescribed by distress on the goods, or by imprisonment of the body, it shall be lawful for the Justices adjudicating, in their discretion, to direct the penalty and costs to be enforced, in default of payment either directly by imprisonment of the body of the offender, with or without hard labour, or indirectly by the like imprisonment, with or without hard labour as aforesaid, in default of goods of the offender whereout to satisfy the penalty and costs.

Pecuniary
amends to
complaint.

58. Wherever Justices in Petty Sessions are invested with power to make an order otherwise than for the payment of money, it shall be lawful for the Justices in their discretion to award that, in default of performance of the particular matter or thing which such Justices may be empowered to enjoin by such order to be done, the defendant do pay to the complainant such sum as the Justices may award as a fair compensation to him in default of the performance of the specific matter or thing directed to be done, and to direct, as hereinbefore provided, the enforcement of such order, and of the costs if adjudged, either directly by imprisonment of the defendant's body for a term not exceeding one calendar month, or indirectly by the like imprisonment for the like term, in default of goods and chattels of the defendant whereout to satisfy the sums of money adjudged to be paid as compensation and the costs.

Imprison-
ment to run
from date
of capture.

59. Where imprisonment is directed the term of such imprisonment shall begin to run only from the date of the capture of the offender or the defendant, and the officer directing the capture shall endorse on the warrant the date of such caption.

Stamp duty
on sum-
mons.

60. The stamp directed to be impressed on each private summons, by the Stamp Duty Act may be impressed substitutionally on the information to ground such summons; and it is hereby declared that an information or summons sued out by any policeman, complaining of the infraction of any law, shall not be chargeable or charged with such stamp.

Power to
adjourn.

61. In all cases, civil and criminal, one Justice shall have power to adjourn the hearing of the same.

Bringing up
person
imprisoned
to answer
further
charge.

62. If any person imprisoned in any prison, whether before or after conviction, shall be charged before any Justice with any offence, and if such Justice would, if such person were not so imprisoned, be entitled to issue his sum-

mons or warrant for the appearance or apprehension of such person, such Justice shall be entitled to issue an order in the Form (35) in the First Schedule, or to the like effect, on the Superintendent or other head officer of the prison in which such person is so imprisoned, directing such Superintendent or head officer to bring up such person before such Justice or any other Justice or Justices for the same parish, to answer such charge or complaint, and to be further dealt with according to law. Such Superintendent or head officer shall obey such order, and when the person charged with the offence is brought up under such order the same proceedings shall be had in all respects as if such person had been brought up on a warrant :

First
Schedule
Form (35).
31/1995
S. 3.

Provided, that if such person shall be remanded, committed for trial, imprisoned, or detained by the Justice before whom he is so brought, he shall be so remanded, committed for trial, imprisoned, or detained either in the prison from whence he came or in such other prison as such Justice or Justices may direct.

63. In every summons of a witness, warrant to apprehend a witness who has not obeyed a summons, warrant for a witness in the first instance, warrant of commitment of a witness for refusing to be sworn or to give evidence, recognizance to prosecute or give evidence, commitment of witness for refusing to enter into recognizance, warrant remanding a prisoner, recognizance of bail instead of remand on adjournment of examination, recognizance of bail, warrant of deliverance on bail being given for a prisoner already committed, or warrant of commitment issued in relation to proceedings under Part II, it shall be sufficient, instead of setting out at length the charge against the accused person (for that, etc., etc., as in the information), to state shortly the nature of the offence charged, including in such statement the name of the person against whom, and the date on which, such offence is charged to have

Certain
process
shortened.

been committed, as (larceny of the goods of *A.B.* on the
 day of _____, or the
 wilful murder of *C.D.* on the _____ day of
 _____, or assaulting *E.F.* on the
 day of _____ with intent to do grievous bodily
 harm).

Form of
 documents
 in criminal
 proceedings
 before
 Justices.

64.—(1) Every information, complaint, summons, warrant or other document laid, issued or made for the purpose of or in connection with any proceedings before examining Justices or a court of summary jurisdiction for an offence, shall be sufficient if it contains a statement of the specific offence with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

(2) The statement of the offence shall describe the offence shortly in ordinary language avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and, if the offence charged is one created by statute, shall contain a reference to the section of the statute creating the offence.

(3) After the statement of the offence, necessary particulars of the offence shall be set out in ordinary language, in which the use of technical terms shall not be required.

(4) Any information, complaint, summons, warrant or other document to which this section applies which is in such form as would have been sufficient in law if this section had not been passed shall, notwithstanding anything in this section, continue to be sufficient in law.

Fees
 payable.
 Scale of
 fees.
 First
 Schedule.
 31/1995
 S. 3.

65. The fees specified in the Scale of Fees in the First Schedule shall be chargeable on proceedings in all cases (not being public prosecutions, summary proceedings for larceny, or proceedings instituted by the police, or for indictable

offences, which shall be free of all stamp duty under this or any other enactment) and shall be levied by means of stamps, in addition to those which now are or hereafter may be prescribed by the Stamp Duty Act, and shall form part of the Consolidated Fund.

66. With respect to the issue of free process in certain cases the following provisions shall have effect—

Power of Justices to remit, excuse or postpone payment of fees on criminal process.

- (a) any Justice or Justices, other than Clerks of Resident Magistrates' Courts acting as such, before whom any proceeding is had—
- (i) in respect of any indictable offence; or
 - (ii) in respect of any matter triable by a court of summary jurisdiction,
- whereon any fee is payable by money or in stamps may, in the exercise of his or their discretion and for reasonable cause, remit or postpone the payment of the fee in whole or in part or may excuse or postpone the affixing or impressment of the stamps;
- (b) the Justice or Justices who so remit or postpone the payment of a fee, or excuse or postpone the affixing or impressment of a stamp, must affix to the document, or proceeding in respect of which they do so a certificate, on a separate sheet, of the nature and amount of the fees or stamps so excused or postponed, and of the reason for such excuse or postponement;
- (c) the certificate shall, except in the case of postponement, be a sufficient voucher to discharge the Clerk or other person otherwise liable to account for the fees, to the amount so certified;
- (d) any document or proceeding which ought to be stamped under any enactment, or to the validity

of which a stamp would otherwise be necessary, shall, if such certificate be so attached, be of the same validity as if it were properly stamped;

- (e) in the case of postponement the sum payable for the stamp must be paid to the Clerk of the Resident Magistrate's Court at the first hearing of the case, and before it is proceeded with;
- (f) the Clerk of the Resident Magistrate's Court must account for the sum so paid to him to the Stamp Commissioner, and the Stamp Commissioner shall thereupon cause a proper stamp to be affixed or impressed on the document;
- (g) the Clerk of the Resident Magistrate's Court shall also render to the Justices of his Court every month a return of the particular cases and items in respect of which stamps have been excused or postponed, and an account of all moneys received by him for stamp duty in respect of postponed stamps under paragraph (e);
- (h) if any such document as is in this section mentioned is through mistake or inadvertence received, recorded or used without being properly stamped, any Court or Judge before whom any proceeding depends to which such document relates may order the same to be stamped as in the order may be directed.

On a document being stamped such document and every proceeding relative thereto shall be as valid as if the document had been properly stamped in the first instance.

67. Where a court of summary jurisdiction has authority under a law to impose imprisonment for an offence punishable on summary conviction and has not authority to

Power to
impose fine
instead of
imprison-
ment.

impose a fine for that offence that court, when adjudicating on such offence, may, notwithstanding if the court think the justice of the case will be better met by a fine than by imprisonment, impose a fine not exceeding one thousand dollars and not being of such an amount as will subject the offender under the provisions of Part V in default of payment of the fine to any greater term of imprisonment than that to which he is liable under the law authorizing the said imprisonment.

31/1995
S. 3.

68.—(1) A court of summary jurisdiction by whose conviction or order any sum is adjudged to be paid may do all or any of the following things, namely—

Things
court may
do on
making
order for
payment.

- (a) allow time for the payment of the said sum; and
- (b) direct payment to be made of the said sum by instalments; and
- (c) direct that the person liable to pay the said sum shall be at liberty to give to the satisfaction of that court, or of such other court of summary jurisdiction or such person as may be specified by that court, security by way of recognizance with or without a surety or sureties for the payment of the said sum or any instalment thereof and such security may be given and enforced in manner provided by the Recognizances and Sureties of the Peace Act.

(2) Where the person liable to pay the said sum shall make application to be allowed time for payment of the said sum and shall satisfy the court of summary jurisdiction by whose conviction or order such sum is adjudged to be paid that he has not sufficient means to enable him to pay the said sum forthwith and that he has a fixed place of abode within the jurisdiction of that court, he shall be allowed time for payment of the said sum, unless that court shall for some special reason expressly direct that no time shall be allowed.

[The inclusion of this page is authorized by L.N. 95/1997]

(3) Where a sum is directed to be paid by instalments and default is made in the payment of any one instalment the same proceedings may be taken as if default had been made in the payment of all the instalments then remaining unpaid.

(4) Where time has been allowed for the payment of a sum further time may on an application by or on behalf of the person liable to pay such sum be allowed by a court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum, or such court may direct payment by instalments of the sum so adjudged to be paid.

Court may order person adjudged to be searched.

69.—(1) Where a person has been adjudged to pay a sum by a conviction or order of a court of summary jurisdiction or in proceedings in any such court for enforcing an order, or in any matter of bastardy or an order under which weekly sums are made payable towards the maintenance of a wife or child, the court may order him to be searched, and any money found on him on apprehension or when so searched, or which may be found on him when taken to prison in default of payment of the sum so adjudged to be paid, may, unless the court otherwise directs, be applied towards the payment of the sum so adjudged to be paid and the surplus if any shall be returned to him.

Person executing warrant may seize money found on person adjudged.

(2) Where a warrant of distress is issued by a court of summary jurisdiction it shall authorize the person charged with the execution thereof to take any money as well as any goods of the person against whom the distress is levied, and any money so taken shall be treated as if it was the proceeds of sale of goods taken under the warrant and the provisions of Part I and Part III shall apply accordingly.

70. Where on an application to a court of summary jurisdiction to issue a warrant for committing a person to prison for non-payment of a sum adjudged to be paid by a conviction of any court of summary jurisdiction or for default of sufficient distress to satisfy any such sum, it appears to the court to whom the application is made that, either by payment of part of the said sum whether in the shape of instalments or otherwise or by the net proceeds of the distress, the amount of the sum so adjudged has been reduced to such an extent that the unsatisfied balance, if it had constituted the original amount adjudged to be paid by the conviction or order, would have subjected the defendant to a maximum term of imprisonment less than the term of imprisonment to which he is liable under such conviction or order, the court shall by its warrant of commitment revoke the term of imprisonment and order the defendant to be imprisoned for a term not exceeding such less maximum term instead of for the term originally mentioned in the conviction or order.

When court may revoke term of imprisonment

71. The Minister may make rules for the purpose of carrying out the provisions of sections 67 to 70 and all such rules shall be published in the *Gazette* and after such publication shall be judicially noticed.

Minister may make rules.

72. Where any defendant or accused person shall have been discharged upon his entering into a recognizance conditioned for his appearance at the time and place to which the hearing of the case or the examination or further examination shall have been adjourned or deferred and shall not afterwards appear at the time and place in such recognizance mentioned, then the Justice who shall have taken the said recognizance, or any other Justice or Justices who may then be there present, may enforce the recognizance in accordance with the Recognizances and Sureties of the Peace Act.

Enforcement of recognizance on non-appearance.

PART IV. *Stipendiary Justices*

Governor-General may appoint Stipendiary Justice, each with power of two Justices.

73. It shall be lawful for the Governor-General from time to time, and at any time to appoint, by commission, any Justice of the Peace of any parish of this Island, to be a Stipendiary Justice within the parish for which he shall be appointed, and to give to every such Stipendiary Justice, within his jurisdiction, the powers and authority which are now, or which may hereafter be by law committed to, and exercisable by any two Justices associated and acting together, and every such appointment so made shall be during pleasure.

PART V. *Small Penalties Recovery*

Interpretation of penalty.

74. The word "penalty" in this Part shall include any sum of money recoverable in a summary manner.

Limit of imprisonment in relation to penalties.
42/1969
3rd Sch.
31/1995
S. 3.

75. Where upon summary conviction any offender may be adjudged to pay a penalty not exceeding two thousand dollars such offender in case of non-payment thereof may without any warrant of distress be imprisoned with or without hard labour for a term not exceeding the period specified in the following scale unless the penalty shall be sooner paid—

	For any penalty	The imprisonment not to exceed
31/1995 S. 3.	Not exceeding forty dollars	— Seven days
31/1995 S. 3.	Exceeding forty dollars but not exceeding one hundred dollars	— Ten days
31/1995 S. 3.	Exceeding one hundred dollars but not exceeding four hundred dollars	— Thirty days
31/1995 S. 3.	Exceeding four hundred dollars but not exceeding one thousand dollars	— Two months

[The inclusion of this page is authorized by L.N. 95/1997]

Exceeding one thousand dollars
but not exceeding two thousand
dollars

31/1995
S. 3.

— Three months.

76. This Part shall apply to penalties, including costs recoverable in a summary manner, in pursuance of any enactment of this Island.

Applicable to all Acts imposing such penalties.

77. This Part shall not apply to any penalty imposed by any enactment relating to the Revenue of this Island.

Not to Revenue penalties.

PART VI. *Protection from Vexatious Proceedings*

78. In every action hereafter to be brought against any Justice for any act done by him in the execution of his duty as such Justice with respect to any matter within his jurisdiction as such Justice, it shall be expressly alleged in the statement of claim that such act was done maliciously and without reasonable and probable cause; and if, at the trial of any such action, the plaintiff shall fail to prove such allegation, judgment shall be entered, or a verdict shall be given, for the defendant.

Form of action against Justice.

79. For any act done by a Justice in a matter of which by law he has not jurisdiction, or in which he shall have exceeded his jurisdiction, any person injured thereby, or by any act done under any conviction or order made or warrant issued by such Justice in any such matter, may maintain an action against such Justice in the same form, and in the same case, as he might have done before the passing of this Part, without making any allegation in his statement of claim that the act complained of was done maliciously, and without reasonable and probable cause:

Actions for acts done without jurisdiction, etc.

Provided nevertheless, that no such action shall be brought for anything done under such conviction or order until after such conviction shall have been quashed, either upon appeal, or upon application to the Supreme Court; nor

shall any such action be brought for anything done under any such warrant which shall have been issued by such Justice to procure the appearance of such party, and which shall have been followed by a conviction or order in the same matter, until after such conviction or order shall have been so quashed as aforesaid; or if such last-mentioned warrant shall not have been followed by any such conviction or order, or if it be a warrant upon an information for an alleged indictable offence, nevertheless if a summons were issued previously to such warrant, and such summons were served upon such person, either personally, or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of such summons, in such case no such action shall be maintained against such Justice for anything done under such warrant.

Warrant granted by one Justice upon conviction by another.

80. Where a conviction or order shall be made by one or more Justice or Justices and a warrant of distress or commitment shall be granted thereon by some other Justice *bona fide* and without collusion, no action shall be brought against the Justice who so granted such warrant by reason of any defect in such conviction or order for any want of jurisdiction in the Justice or Justices who made the same; but the action (if any) shall be brought against the Justice or Justices who made such conviction or order.

Justice not liable to action for what ordered to do.

81. In all cases where a Justice or Justices shall refuse to do any act relating to the duties of his or their office as such Justice or Justices, it shall be lawful for the party requiring such act to be done to apply to the Supreme Court, upon an affidavit of the facts, for a rule calling upon such Justice or Justices, and also the party to be affected by such act to show cause why such act should not be done; and if, after due service of such rule, good cause shall not be shown against it, the said Court may

make the same absolute, with or without or upon payment of costs, as to them shall seem meet; and the said Justice or Justices, upon being served with such rule absolute, shall obey the same, and shall do the act required; and no action or proceeding whatsoever shall be commenced or prosecuted against such Justice or Justices for having obeyed such rule and done such act so thereby required as aforesaid.

82. In all cases where a warrant of distress or warrant of commitment shall be granted by a Justice upon any conviction or order which, either before or after the granting of such warrant, shall have been or shall be confirmed upon appeal, no action shall be brought against such Justice who so granted such warrant for anything which may have been done under the same by reason of any defect in such conviction or order.

No action against Justice for defect in conviction affirmed on appeal.

83. In all cases where by this Part it is enacted that no action shall be brought under particular circumstances, if any such action shall be brought, it shall be lawful for a Judge of the Court in which the same shall be brought, upon application of the defendant and upon an affidavit of facts, to set aside the proceedings in such action, with or without costs, as to him shall seem meet.

Actions brought against provisions of Act may be set aside.

84. In all cases where the plaintiff in any such action shall be entitled to recover, and he shall prove the levying or payment of any penalty or sum of money under any conviction or order as parcel of the damages he seeks to recover, or if he prove that he was imprisoned under such conviction or order, and shall seek to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty or sum so levied or paid, or any sum beyond the sum of two cents as damages for such imprisonment, or any costs of suit whatsoever, if it

Damages.

L.N. 382/1970.

shall be proved that he was actually guilty of the offence of which he was so convicted, or that he was liable by law to pay the sum he was so ordered to pay, and (with respect to such imprisonment) that he had undergone no greater punishment than that assigned by law for the offence of which he was so convicted or for non-payment of the sum he was so ordered to pay.

FIRST SCHEDULE

31/1995
S. 3.

PART I

SUMMARY CONVICTIONS AND ORDERS

FORM (1)

(Section 2)

*Summons to the Defendant upon an Information or Complaint
To A.B., of*

Whereas information hath this day been laid (or complaint hath this day been made) before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____ for that you (*here state shortly the matter of the information or complaint*): These are therefore to command you, in Her Majesty's name, to be and appear on _____ at _____ o'clock in the forenoon, at _____ before such Justices of the Peace for the said parish as may then be there, to answer to the said information (or complaint) and to be further dealt with according to law.

Given under my hand, this _____ day of _____

19 _____, at _____
in the parish aforesaid.

J.S.

FORM (2)

(Section 3)

Warrant where the Summons is Disobeyed

To each and all of the Constables of _____ and to all other Peace Officers in the said parish of _____

Whereas on _____ last past information was laid (or complaint was made) before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____ for that A.B. (*etc., as in the summons*): And whereas I then issued my summons unto the said A.B., commanding him, in Her Majesty's name, to be and appear on _____ at _____ o'clock in the forenoon at _____ before such Justices of the Peace for the said parish as might then be there, to answer to the said information (or complaint) and to be further dealt with according to law: And whereas the said A.B., hath neglected to be or appear at the time and place so appointed in and by the said summons, although it hath now been proved to me upon oath, that the said summons hath been duly served upon the said A.B.: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A.B., and to bring him before some one or more of Her Majesty's Justices of the Peace in and for the said parish, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under my hand, this _____ day of _____

19 _____, at _____
in the parish aforesaid.

J.S.

JUSTICES OF THE PEACE JURISDICTION

(Section 3)

FORM (3)

Warrant in the first instance

To each and all of the Constables of _____ and to all other
Peace Officers in the said parish of _____

Whereas information hath this day been laid before the under-
signed (one) of Her Majesty's Justices of the Peace in and for the
said parish of _____, for that *A.B.* (*here state shortly the
matter of the information*), and oath being now made before me
substantiating the matter of such information: *These are therefore to
command you, in Her Majesty's name, forthwith to apprehend the
said A.B., and to bring him before some one or more of Her Majesty's
Justices of the Peace in and for the said parish, to answer to the said
information, and to be further dealt with according to law.*

Given under my hand, this _____ day of _____
19 _____, at _____
in the parish aforesaid.

J.S.

(Section 4)

FORM (4)

*Warrant of Committal for Safe Custody during an
Adjournment of the Hearing*

To each and all of the Constables of _____, and to
the Superintendent (*or other head officer*) of the _____ prison
at _____

Whereas on _____ last past information was laid
(*or complaint was made*) before the undersigned (one) of Her Majesty's
Justices of the Peace in and for the said parish of _____,
for that (*etc., as in the summons*): And whereas the hearing of the
same is adjourned to the _____ day of _____ instant,
at _____ o'clock in the forenoon, at _____, and it is
necessary that the said *A.B.* should, in the meantime, be kept in safe
custody: *These are therefore to command you the said Constables
in Her Majesty's name, forthwith to convey the said A.B., to the
[_____ prison] at _____ and there deliver
him into the custody of the Superintendent (*or other head officer*)
thereof, together with this precept; and I hereby command you, the
said Superintendent (*or other head officer*) to receive the said *A.B.*
into your custody, in the said (prison), and there safely keep him
until the _____ day of _____ instant, when you
are hereby required to convey and have him, the said *A.B.*, at the
time and place to which the said hearing is so adjourned as aforesaid,
before such Justices of the Peace for the said parish as may then be*

JUSTICES OF THE PEACE JURISDICTION

63

there, to answer further to the said information (or complaint) and to be further dealt with according to law.

Given under my hand, this _____ day of _____,

19 _____, at _____,

in the parish aforesaid.

J.S.

FORM 5 [*Deleted by Act 19 of 2000, S. 23.*]

(Section 12)

FORM (6)

Warrant to Remand a Defendant when apprehended

To each and all of the Constables of _____, and to
The Superintendent (*or other head officer*) of the prison at _____

Whereas information was laid (*or complaint made*) before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____, for that (*etc., as in the summons or warrant*): And whereas the said *A.B.* hath been apprehended under and by virtue of a warrant upon such information (*or complaint*), and is now brought before me as such Justice as aforesaid: These are therefore to command you, the said Constables in Her Majesty's name, forthwith to convey the said *A.B.* to the (prison) at _____, and there to deliver him to the said Superintendent (*or other head officer*) thereof together with this precept: And I do hereby command you, the said Superintendent (*or other head officer*) to receive the said *A.B.* into your custody in the said (prison), and there safely keep him until _____ next, the

day of _____ instant, when you are hereby commanded to convey and have him at _____ at _____ o'clock in the forenoon, of the same day, before such Justices of the Peace of the said parish as may then be there, to answer to the said information (*or complaint*), and to be further dealt with according to law.

Given under my hand, this _____ day of
19 _____, at _____
in the parish aforesaid. _____ J.S.

(Section 13)

FORM (7) (a)

Conviction for a Penalty to be levied by Distress, and in default of Sufficient Distress, Imprisonment

Parish of _____ }

Be it remembered that on the _____ day of _____ in the year of our Lord 19 _____, at _____, in the said parish of _____, *A.B.*, is convicted before the undersigned (one of Her Majesty's Justices of the Peace for the said parish, for that he, 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 be not paid forthwith (*or on or before* _____ 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 (prison), at (there to be kept to hard labour) for the space of _____ unless the said several sums, and all costs and charges of the said distress (and of the commitment) shall be sooner paid.
 Given under my hand, the day and year first above-mentioned at _____ in the parish aforesaid.

J.S.

*Or where the issuing of a distress warrant would be ruinous to the defendant or his family, or it appears that he has no goods whereon to levy a distress, then instead of the word between the asterisks** say, "then inasmuch as it hath now been made to appear to me (that the issuing of a warrant of distress in this behalf would be ruinous to the said *A.B.* and his family, "or" that the said *A.B.* hath no goods or chattels whereon to levy the said sums by distress), I adjudge, etc." as above to the end.

FORM (7) (b)

(Section 13)

Conviction for a Penalty, and, in default of Payment Imprisonment

Parish of _____ }

Be it remembered, that on the _____ day of _____ in the year of our Lord 19____, at _____, in the said parish, *A.B.* is convicted before the undersigned (one) of Her Majesty's Justices of the Peace for the said parish, 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 the said *C.D.* the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith (or on or before _____ next), I adjudge the said *A.B.* to be imprisoned in the (prison) at _____ (and there to be kept to hard labour) for the space of _____ unless the several sums shall be sooner paid.

Given under my hand, the day and year first abovementioned, at _____, in the parish aforesaid.

J.S.

[The inclusion of this page is authorized by L.N. 480/1973]

JUSTICES OF THE PEACE JURISDICTION

(Section 13)

FORM (7) (c)

*Conviction, when the Punishment is by Imprisonment, etc.*Parish of }
}

Be it remembered that on the _____ day of _____ in the year of our Lord 19____, at _____, in the said parish, *A.B.* is convicted before the undersigned (one) of Her Majesty's Justices of the Peace for the said parish, for that he 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 be imprisoned in the (prison) at _____, (and there kept to hard labour) for the space of _____, and I also adjudge the said *A.B.* to pay the said *C.D.* the sum of _____ for his costs in this behalf; and if the said sum for costs be not paid forthwith (*or, on or before* _____ next), then* I order that the said sum be levied by distress and sale of the goods and chattels of the said *A.B.*, and in default of sufficient distress in that behalf,* I adjudge the said *A.B.* to be imprisoned in the said (prison), and (there kept to hard labour) for the space of _____ to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my hand, the day and year first abovementioned,
at _____, in the parish aforesaid.

J.S.

*Or, where the issuing of a distress warrant would be ruinous to the defpandant, or his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks, say, "inasmuch as it hath now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said *A.B.* and his family," or, "that the said *A.B.* hath no goods or chattels whereon to levy the said sum for costs by distress, I adjudge, etc."

(Section 13)

FORM (8) (a)

*Order for Payment of Money to be levied by Distress, and in default of Distress, Imprisonment*Parish of }
}

Be it remembered, that on _____ complaint was made before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____ for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*); and now at this day, to wit, on _____

[The inclusion of this page is authorized by L.N. 480 /1973]

at _____, the parties aforesaid appear before me, the said Justice (or the said C.D. appears before me the Justice, but the said A.B., although duly called, doth not appear by himself, his counsel or solicitor; and it is now satisfactorily proved to me, on oath, that the said A.B. has been duly served with the summons in this behalf, which required him to be and appear here at this day before such Justices of the Peace for the said parish 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 the said C.D. the sum of _____ forthwith, or on or before next, or as the law may require); and also to pay to the said C.D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith (or on or before next),* 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 (prison) at _____, (and there kept to hard labour), for the space of _____, unless the said several sums, and all costs and charges of the said distress (and of the commitment) shall be sooner paid.

Given under my hand, this _____ day of _____, 19____, at _____, in the parish aforesaid.

J.S.

*Or, where the issuing of the distress warrant would be ruinous to the defendant or his family; or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks, say "then inasmuch as it hath now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A.B. and his family," or "that the said A.B. hath no goods or chattels whereon to levy the said sums by distress, I adjudge, etc."

FORM (8) (b)

(Section 13)

Order for Payment of Money, and in default of Payment, Imprisonment

Parish of _____ }

Be it remembered, that on _____ complaint was made before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____, for that (stating the facts entitling the complainant to the order, with the time and place when and where they occurred); and now at this day, to wit, on _____, at _____, the parties aforesaid appear before me, the said Justice (or, the said C.D. appears before me,

the said Justice, but the said *A.B.* although duly called, doth not appear by himself, his counsel or solicitor, and it is now satisfactorily proved to me, on oath, that the said *A.B.* has been duly served with the summons in this behalf, which required him to be and appear here on this day before such Justices of the Peace for the said parish 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 law may require); and also to pay to the said *C.D.* the sum of _____, for his costs in this behalf; and if the said several sums be not paid forthwith (or on or before _____ next), I adjudge the said *A.B.* to be imprisoned in the (prison), at _____ (there to be kept to hard labour), for the space of _____, unless the said several sums shall be sooner paid.
 Given under my hand, this _____ day of _____, 19____, at _____, in the parish aforesaid.

J.S.

(Section 13)

FORM (8) (c)

Order for any other matter, where the disobeying of it is punishable with Imprisonment

Parish of _____ }

Be it remembered, that on _____ complaint was made before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____, for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*): And now, at this day, to wit, on _____, at _____, the parties aforesaid appeared before me, the said Justice (or, the said *C.D.* appears before me, the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his counsel or solicitor: And it is now satisfactorily proved to me, upon oath, that the said *A.B.* has been duly served with the summons in this behalf, which requires him to be and appear here at this day, before such Justices of the Peace for the said parish as should now be here, to answer to the said complaint, and to be further dealt with according to law): And now, having heard the matter of the said complaint, I do therefore adjudge the said *A.B.* to (*here state the matter required to be done*): And if, upon a copy of a minute of this order being served upon the said *A.B.*, either personally, or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case,

I adjudge the said *A.B.*, for such his disobedience, to be imprisoned in the (prison) at (there to be kept to hard labour), for the space of (unless the said order be sooner obeyed, *if the law authorize this*) : And I do also adjudge the said *A.B.* to pay the said *C.D.* the sum of for his costs in this behalf: And if the said sum for costs be not paid forthwith (*or on or before* next) I order the same to be levied by distress and sale of the goods and chattels of the said *A.B.*: And in default of sufficient distress in that behalf, I adjudge the said *A.B.* to be imprisoned in the said (prison), (and there kept to hard labour) for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my hand, this day of 19 , at in the parish aforesaid.

J.S.

FORM (9)

(Section 13)

Order of Dismissal of an Information or Complaint

Parish of }

Be it remembered, that on , information was laid (or complaint was made) before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of for that (*etc., as in the summons to the defendant*): And now at this day, to wit, on , at , both the said parties appear before me in order that I should hear and determine the said information (or complaint) (or the said *A.B.* appeareth before me, but the said *C.D.*, although duly called, doth not appear), whereupon the matter of the said information (or complaint) being by me duly considered, (it manifestly appears to me that the said information (or complaint) is not proved, and*) I do therefore dismiss the same and do adjudge that the said *C.D.* do pay to the said *A.B.* the sum of , for the costs incurred by him in his defence in this behalf: And if the said sum for costs be not paid forthwith (*or on or before*), I order that the same be levied by distress and sale of the goods and chattels of the said *C.D.*: And in default of sufficient distress in that behalf, I adjudge the said *C.D.* to be imprisoned in the (prison) at (and there kept to hard labour) for the space of unless the said sum for costs and all costs and charges of the said distress, and of the commitment, be sooner paid.

Given under my hand, this day of 19 , at in the parish aforesaid.

J.S.

*If the informant or complainant do not appear these words may be omitted.

(Section 13)

FORM (10)

Certificate of Dismissal

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, one of Her Majesty's Justices of the Peace in and for the parish of _____, and was by me dismissed (with costs).

Dated this _____ day of _____, 19 ____ J.S.

(Section 18)

FORM (11) (a)

Warrant of Distress upon a Conviction for a Penalty

To each and all of the Constables of _____ and to all other Peace Officers in the said parish of _____

Whereas A.B., late of _____ (labourer), was on this day (or on _____ last past), duly convicted before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____, for that (stating the offence as in the conviction): And it was thereby adjudged that the said A.B. should for such his offence, forfeit and pay (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 should not be paid (forthwith), the same should be levied by distress and sale of the goods and chattels of the said A.B.: And it was thereby also adjudged that in default of sufficient distress, the said A.B. should be imprisoned in the (prison) at _____ (and there kept to hard labour) for the space of _____

_____, unless the said several sums and all costs and charges of the said distress, and of the commitment, should be sooner paid.* And whereas the said A.B., being so convicted as aforesaid, and being (now) required to pay the said sums of _____ and _____, hath not paid the same, or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A.B.: And if within the space of _____ days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising by such sale unto _____, the Clerk of the Court of the parish, that he may pay and apply the same as by law, is directed, and may render the overplus, if any, on demand to the said A.B.:

And if no such distress can be found, then that you certify the same unto me, to the end that such further proceedings may be had thereon as to the law doth appertain.

Given under my hand, this day of
 19 , at
 in the parish aforesaid.

J.S.

FORM (11) (b)

(Section 18)

Warrant of Distress upon an Order for the Payment of Money

To each and all of the Constables of and to all other
 Peace Officers in the said parish of

Whereas on last past, a complaint was made before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of , for that (*etc., as in the order*), and afterwards, to wit, on at the said parties appeared before me (*or, as in the order*), and thereupon, having considered the matter of the said complaint, I adjudge the said *A.B.* to pay the said *C.D.* the sum of on or before the then next, and also to pay to the said *C.D.* the sum of , for his costs in that behalf: And I thereby ordered that if the said several sums should not be paid on or before the said then next, the same should be levied by distress and sale of the goods and chattels of the said *A.B.* And it was adjudged that in default of sufficient distress in that behalf, the said *A.B.* should be imprisoned in the (prison) at (and there kept to hard labour) for the space of unless the said several sums and all costs and charges of the distress (and of the commitment) should be sooner paid: (*) And whereas the time in and by the said order appointed for the payment of the said several sums of and hath elapsed, but the said *C.D.* hath not paid the same, or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said *A.B.* And if within the space of days after the making of such distress, the said last-mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto , the Clerk of the Court for the parish of , that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said *A.B.* And if no such distress can be found, then that you certify

[The inclusion of this page is authorized by L.N. 480/1973]

JUSTICES OF THE PEACE JURISDICTION

the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under my hand, this day of .
19 , at .
in the parish aforesaid.

J.S.

(Section 20)

FORM(11) (c)

Constable's Return to a Warrant of Distress

I, *W.T.*, Constable of , in the parish of , do hereby certify to *J.S.*, Esquire, one of Her Majesty's Justices of the Peace for the said parish, that by virtue of this warrant I have made diligent search for the goods and chattels of the within mentioned *A.B.*; and that I can find no sufficient goods or chattels of the said *A.B.*, whereon to levy the sum within mentioned.

Witness my hand, this day of , 19 .
W.T.

(Section 20)

FORM (11) (d)

Warrant of Commitment for Want of Distress

To each and all of the Constables of , and to the Superintendent (or other head officer) of the (prison) at

Whereas, (etc., as in either of the foregoing distress warrants, Forms (11) (a) and (11) (b), 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 constables of , 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 to the said warrant of distress, as otherwise, that diligent search has been made for the goods and chattels of the said *A.B.*; but that no sufficient distress whereon to levy the sums above-mentioned could be found: These are therefore to command you, the said constables, to take the said *A.B.*; and him safely to convey to the (prison) at aforesaid, and there deliver him to the said Superintendent (or other head officer), together with this precept; and I do hereby command you, the said Superintendent (or other head officer) of the said (prison) to receive the said *A.B.* into your custody in the said (prison), there to imprison him (and keep him to hard labour) for the space of , unless the said several sums, and all the costs and charges of the said

distress (and of the commitment), amounting to the further sum of
 , shall be sooner paid unto you, the said Super-
 intendent (*or other head officer*); and for your so doing this shall be
 your sufficient warrant.

Given under my hand, this day of ,
 19 , at ,
 in the parish aforesaid.

J.S.

FORM (12) (a)

(Section 22)

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

To each and all of the Constables of , and to
 the Superintendent (*or other head officer*) of the (prison)
 at :

Whereas *A.B.*, late of , (labourer), was on
 this day duly convicted before the undersigned, (one) of Her Majesty's
 Justices of the Peace in and for the said parish, for that (*stating the
 offence, as in the conviction*); and it was thereby adjudged that the
 said *A.B.*, for his said 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
 should not be paid (forthwith), the said *A.B.* should be imprisoned
 in the (prison) at , (and there
 kept to hard labour) for the space of , unless
 the said several sums (and the costs and charges of commitment)
 should be sooner paid; and whereas the time in and by the said
 conviction appointed for the payment of the said several sums hath
 elapsed, but the said *A.B.* hath not paid the same, or any part thereof,
 but therein hath made default: These are therefore to command you,
 the said constables to take the said *A.B.*, and him safely to
 convey to the (prison) at aforesaid,
 and there to deliver him to the Superintendent (*or other head officer*)
 thereof, together with this precept; and I do hereby command you,
 the said Superintendent (*or other head officer*) of the said (prison), to
 receive the said *A.B.* into your custody in the said (prison), there to
 imprison him (and keep him to hard labour) for the space of .
 unless the said several sums (and the costs and charges of commit-
 ment, amounting to the further sum of), shall
 be sooner paid; and for your so doing this shall be your sufficient
 warrant.

Given under my hand, this day of ,
 19 , at ,
 in the parish aforesaid.

J.S.

JUSTICES OF THE PEACE JURISDICTION

(Section 22)

FORM (12) (b)

Warrant of Commitment on an Order in the first instance

To each and all the Constables of _____, and to
the Superintendent (or other head officer) of the (prison)
at _____

Whereas on _____ last past, complaint was made
before the undersigned, (one) of Her Majesty's Justices of the Peace,
in and for the said parish of _____, for that (etc., as in
the order), and afterwards, to wit, on _____, at _____,
the parties appeared before (me), the said Justice (or as it may be in
the order); and thereupon having considered the matter of the said
complaint, I adjudged the said A.B. to pay to the said C.D., the sum
of _____, on or before the _____ day of _____
then next, and also to pay to the said C.D., the sum of _____
for his costs in that behalf; and I also thereby adjudged that if the
said several sums should not be paid on or before the
day of _____ then next, the said A.B. should be imprisoned
in the (prison) at _____, (and there
kept to hard labour) for the space of _____, unless the
said several sums should be sooner paid: And whereas the time in and
by the said order appointed for the payment of the said several sums
of money hath elapsed, but the said A.B. hath not paid the same or
any part thereof, but therein hath made default: These are therefore
to command you, the said constables, to take the said A.B., and him
safely convey to the said (prison) at
aforesaid, and there to deliver him to the Superintendent (or other head
officer) thereof, together with this precept; and I do hereby command
you, the said Superintendent (or other head officer) of the said (prison)
to receive the said A.B. into your custody in the said (prison), there
to imprison him (and keep him to hard labour) for the space of _____,
unless the said several sums (and the costs and
charges of commitment, amounting to the further sum of _____
shall be sooner paid unto you, the said Superintendent (or other head
officer), and for your so doing this shall be your sufficient warrant.

Given under my hand, this _____ day of _____,
19 _____, at _____,
in the parish aforesaid.

J.S.

(Section 23)

FORM (13) (a)

*Warrant of Commitment on a Conviction where the Punishment
is by Imprisonment*

To each and all of the Constables of _____, and to
the Superintendent (or other head officer) of the (prison)
at _____

[The inclusion of this page is authorized by L.N. 480/1973]

Whereas *A.B.*, late of (labourer), was this day duly convicted before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said parish of , for that (*stating the offence as in the conviction*); and it was thereby adjudged that the said *A.B.* for his offence should be imprisoned in the (prison) at , in the said parish (and there kept to hard labour) for the space of : These are therefore to command you, the said constables, to take the said *A.B.*, and him safely convey to the (prison) at aforesaid, and there to deliver him to the Superintendent (*or other head officer*) thereof, together with this precept; and I do hereby command you, the said Superintendent (*or other head officer*) of the said (prison), to receive the said *A.B.* into your custody in the said (prison), there to imprison him (and keep him to hard labour) for the space of ; and for your so doing this shall be your sufficient warrant.

Given under my hand, this day of
19 , at
in the parish aforesaid.

J.S.

FORM (13) (b)

(Section 23)

Warrant of Commitment on an Order where the disobeying of it is punishable by Imprisonment

To each and all of the Constables of , and to the Superintendent (*or other head officer*) of the (prison) at

Whereas on last past, complaint was made before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said parish of for that, (*etc., as in the order*), and afterwards, to wit, on , at the said parties appeared before me (*or, as it may be in the order*); and thereupon having considered the matter of the said complaint, I adjudged the said *A.B.* to (*etc., as in the order*), and that if upon a copy of the minute of that order being duly 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 should neglect or refuse to obey the same, it was adjudged that in such case the said *A.B.*, for such his disobedience, should be imprisoned in the (prison) at (and there kept to hard labour) for the space of

(unless the said order should be sooner obeyed); and whereas it is now proved to me that, after the making of the said order, a copy of the minute thereof was duly served upon the said *A.B.* but he then refused (*or neglected*) to obey the same, and hath not as yet obeyed the said order: These are therefore to command you, the said constables, to take the said *A.B.* and him safely to

JUSTICES OF THE PEACE JURISDICTION

convey to the (prison) at _____ aforesaid,
and there to deliver him to the Superintendent (or other head officer)
thereof, together with this precept; and I do hereby command you, the
said Superintendent (or other head officer) of the said (prison), to
receive the said *A.B.* into your custody in the said (prison), there to
imprison him (and keep him to hard labour) for the space of
and for so doing this shall be your sufficient warrant.

Given under my hand, this _____ day of
19 _____ at _____
in the parish aforesaid.

J.S.

(Section 23)

FORM (13) (c)

*Warrant of Distress for Costs upon a Conviction where the Offence
is punishable by Imprisonment*

To each and all of the Constables of _____ and to all other
Peace Officers in the said parish of _____

Whereas *A.B.*, of _____ (labourer), was on
last past, duly convicted before the undersigned, (one) of Her Majesty's
Justices of the Peace, in and for the said parish, for that (*stating the
offence as in the conviction*); and it was thereby adjudged that the said
A.B., for the said offence, should be imprisoned in the (prison) at
_____, (and there kept to hard labour)
for the space of _____; and it was also thereby
adjudged that the said *A.B.* should pay to the said *C.D.* the sum of
_____, for his costs in that behalf; and it was thereby
ordered, that if the said sum of _____, for costs should not
be paid (forthwith), the same should be levied by distress and sale of
the goods and chattels of the said *A.B.*; and it was adjudged that in
default of sufficient distress in that behalf, the said *A.B.* should be
imprisoned in the (prison) (and there kept to hard labour) for the space
of _____, to commence at and from the termination
of his imprisonment aforesaid, unless the said sum for costs and all
costs and charges of the said distress, and of the commitment, should
be sooner paid (*); and whereas the said *A.B.*, being so convicted as
aforesaid, and being required to pay the said sum of _____,
for costs, hath not paid the same, or any part thereof, but therein
hath made default: These are therefore to command you, in Her
Majesty's name, forthwith to make distress of the goods and chattels
of the said *A.B.*; and if within the space of _____ days
next after the making of such distress the said last-mentioned sum,
together with the reasonable charges of taking and keeping the said
distress, shall not be paid, that then you do sell the said goods and
chattels so by you distrained, and do pay the money arising from
such sale to _____, the Clerk of the Court
for the parish of _____, that he may pay the same

[The inclusion of this page is authorized by L.N. 480/1973]

as by law directed, and may render the surplus (if any) on demand, to the said *A.B.*, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under my hand, this day of ,
 19 , at ,
 in the parish aforesaid.

J.S.

FORM (13) (d)

(Section 23)

Warrant of Distress for Costs, upon an Order where the disobeying of the Order is punishable with Imprisonment

To each and all of the Constables of and to all other
 Peace Officers in the said parish of

Whereas on last past, complaint was made before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said parish of , for that, (*etc.*, as in the order), and afterwards, to wit, on , at , the said parties appeared before me as such Justice as aforesaid (*or, as it may be in the order*); and thereupon having considered the matter of the said complaint, I adjudged the said *A.B.* to, (*etc.*, as in the order), and that if, upon a copy of the minute of that order being served upon the said *A.B.* either personally, or by leaving the same for him at his last or most usual abode, he should neglect or refuse to obey the same, I adjudged that in such case the said *A.B.*, for such his disobedience, should be imprisoned in the (prison) at , (and there kept to hard labour) for the space of , (unless the said order should be sooner obeyed); and I thereby also adjudged the said *A.B.* to pay to the said *C.D.* the sum of , for his costs in that behalf; and I ordered that, if the said sum for costs should not be paid (forthwith), the same should be levied of the goods and chattels of the said *A.B.* (and in default of sufficient distress in that behalf, I thereby adjudged that the said *A.B.* should be imprisoned in the said (prison), (and there kept to hard labour) for the space of , to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs, and all costs and charges of the said distress, and of the commitment, should be sooner paid)*; and whereas, after the making of the said order, a copy of the minute thereof was duly served upon the said *A.B.*, but the said *A.B.*, did not then pay nor hath he paid, the said sum of for costs, or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith, to make distress of the goods and chattels of the said *A.B.*; and if, within the space of days next after the making of such distress, the said last-mentioned sum, together with the reasonable

charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the Clerk of the Circuit Court for the parish of , that he may pay the same as by law directed, and may render the overplus, if any, on demand, to the said A.B.; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had thereon as to the law doth appertain.

Given under my hand, this day of
19 , at
in the parish aforesaid.

J.S.

(Section 23)

FORM (13) (e)

Warrant of Commitment for Want of Distress, in either of the last two cases

To each and all of the Constables of , and to the Superintendent (*or other head officer*) of the (prison) at

Whereas (*etc., as in the last two forms respectively to the asterisk,* and then thus*): And whereas afterwards, on the day of , in the year aforesaid, I, the said J.S., issued a warrant to the constables of , commanding them to levy the said sum of , for costs by distress and sale of the goods and chattels of the said A.B.: And whereas it appears to me, as well by the return to the said warrant of distress as otherwise, that diligent search has been made for the goods and chattels of the said A.B., but that no sufficient distress whereon to levy the sum above-mentioned could be found: These are therefore to command you, the said constables, to take the said A.B., and him safely to convey to the (prison) at aforesaid, and there deliver him to the Superintendent (*or other head officer*) thereof, together with this precept; and I do hereby command you, the said Superintendent (*or other head officer*) of the said (prison) to receive the said A.B. into your custody in the said (prison) there to imprison him (and keep him to hard labour) for the space of , unless the said sum, and all costs and charges of the said distress (and of the commitment, amounting to the further sum of) shall be sooner paid unto you, the said Superintendent (*or other head officer*); and for your so doing this shall be your sufficient warrant.

Given under my hand, this day of
19 , at
in the parish of

J.S.

FORM (14) (a)

(Section 25)

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

To each and all of the Constables of _____ and to all other

Peace Officers in the said parish of _____

Whereas on _____ last past, information was laid (or complaint was made) before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said parish, 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 should not be paid (forthwith), the same should be levied of 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 (prison) (and there kept to hard labour) for the space of _____, unless the said sum

for costs, and all costs and charges of the said distress, and of the commitment, should be sooner paid (*): And whereas the said *C.D.* being now required to pay unto the said *A.B.* the said sum for costs, hath not paid the same or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said *C.D.*; and if within the space of _____ days next after the

making of such distress, the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to _____,

the Clerk of the Court for the said parish of _____, that he may pay and apply the same as by law directed, and may render the overplus (if any), on demand, to the said *C.D.*; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under my hand, this _____ day of _____,
19____, at _____,
in the parish aforesaid.

J.S.

JUSTICES OF THE PEACE JURISDICTION

(Section 25)

FORM (14) (b)

Warrant of Commitment for Want of Distress in the last case

To each and all of the Constables of _____, and to
the Superintendent (or other head officer) of the (prison)
at _____

Whereas, (etc., as in the last form to the asterisk, and then thus).
And whereas afterwards, on the _____ day of _____,
in the year aforesaid, I, the said Justice, issued a warrant to the
constable of _____, commanding him 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 of the said constable to the said warrant of distress
as otherwise, that the said constable hath made diligent search for
the goods and chattels of the said C.D., but that no sufficient distress
whereon to levy the sum above-mentioned could be found: These are
therefore to command you, the said constables, to take
the said C.D., and him safely convey to the (prison) at
_____ aforesaid, and there deliver him to the said Super-
intendent (or other head officer) thereof, together with this precept;
and I do hereby command you, the said Superintendent (or other head
officer) of the said (prison), to receive the said C.D. into your custody
in the said (prison), there to imprison him (and keep him to hard
labour) for the space of _____, unless the said sum,
and all costs and charges of the said distress (and of the commitment,
amounting to the further sum of _____), shall be sooner
paid upon you, the said Superintendent (or other head officer); and for
your so doing this shall be your sufficient warrant.

Given under my hand, this _____ day of _____,
19____, at _____,
in the parish aforesaid.

J.S.

PART II

INDICTABLE OFFENCES

FORM (15)

(Section 29)

Information and Complaint for an Indictable Offence

Parish of _____ }
_____ }

The information and complaint of C.D., of _____,
(labourer, etc.), taken this _____ day of _____, in the
year of our Lord 19____, before the undersigned, (one) of Her Majesty's
Justices of the Peace, in and for the said parish of _____,
who saith that (etc., stating the offence).

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

J.S.

FORM (16)

(Section 29)

Warrant to apprehend a Person charged with an Indictable Offence

To each and all of the Constables of _____ and to all other
Peace Officers in the said parish of _____

Whereas, A.B., of _____ (labourer, etc.), hath this day
been charged upon oath before the undersigned, (one) of Her Majesty's
Justices of the Peace, in and for the said parish of _____
for that he, on _____, at _____, did
(etc., stating shortly the offence): These are therefore to command
you, in Her Majesty's name forthwith, to apprehend the said A.B.
and to bring him before (me) or some other of Her Majesty's Justices
of the Peace, in and for the said parish, to answer unto the said charge,
and to be further dealt with according to law.

Given under my hand, this _____ day of _____
19 _____, at _____
in the parish aforesaid.

J.S.

FORM (17)

(Section 29)

Summons to a Person charged with an Indictable Offence

To A.B., of _____, (labourer).

Whereas, you have this day been charged before the undersigned,
(one) of Her Majesty's Justices of the Peace, in and for the said parish
of _____, for that you, on _____
at _____, (etc., stating shortly the offence): These
are therefore to command you in Her Majesty's name, to be and appear
before me, on _____, at _____ o'clock in the forenoon,
at _____, or before such other Justice or Justices of the
Peace for the same parish, as may 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 _____
19 _____, at _____
in the parish aforesaid.

J.S.

FORM (18)

(Section 29)

Warrant where the Summons is disobeyed

To each and all of the Constables of _____ and to all other
Peace Officers in the said parish of _____

Whereas, on the _____ last past, A.B., of _____
(labourer), was charged before the undersigned, (one) of Her Majesty's
Justices of the Peace, in and for the said parish of _____
for that (etc., as in summons): And whereas (I) then issued (my)
summons to the said A.B., commanding him in Her Majesty's name,

JUSTICES OF THE PEACE JURISDICTION

to be and appear before (me), on _____ at _____ o'clock
 in the forenoon, at _____, or before such other Justice
 or Justices of the Peace for the same parish, as might then be there,
 to answer to the said charge, and to be further dealt with according
 to law: And whereas the said *A.B.* hath neglected to be or appear
 at the time and place appointed in and by the said summons, although
 it hath now been proved to me, upon oath, that the said summons
 was duly served upon the said *A.B.*: These are therefore to command
 you, in Her Majesty's name, forthwith to apprehend the said *A.B.*
 and to bring him before me, or some other of Her Majesty's Justices
 of the Peace, in and for the said parish, to answer to the said charge,
 and to be further dealt with according to law.

Given under my hand, this _____ day of
 19____, at _____
 in the parish aforesaid.

J.S.

(Section 34)

FORM (19)
Depositions of Witnesses

Parish of _____ }
 _____ }

The examination of *C.D.*, of _____, (planter), and
E.F., of _____, (labourer), taken on (oath), this
 day of _____, in the year of our Lord 19____, at
 _____, in the parish aforesaid, before the undersigned,
 (one) of Her Majesty's Justices of the Peace for the said parish, in
 the presence and hearing of *A.B.*, who is charged this day before
 (me), for that he the said *A.B.*, on _____, at _____,
 (etc., describing the offence as on a warrant of commitment).

This deponent, *C.D.*, on his (oath) saith as follows: (etc., stating
 the deposition of the witness as nearly as possible in the words he uses.
 When his deposition is complete let him sign it). And this deponent,
E.F., upon his oath saith as follows: (etc.).

The above depositions of *C.D.* and *E.F.* were taken and sworn
 before me, at _____, on the day and year above-
 mentioned.

J.S.

(Section 36)

FORM (20)
Statement of the Accused

A.B. stands charged before the undersigned, (one) of Her Majesty's
 Justices of the Peace, in and for the parish aforesaid, this
 day of _____, in the year of our Lord 19____, for that he
 the said *A.B.*, on _____, at _____, (etc., as in

the caption of the depositions). and the said charge being read to the said *A.B.*, and the witnesses for the prosecution, *C.D.* and *E.F.*, being severally examined in his presence, and the said *A.B.* is now addressed by me as follows: "Having heard the evidence do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial." Whereupon the said *A.B.* saith as follows:

(Here state whatever the prisoner may say, and in his very words, as nearly as possible. Get him to sign it if he will.)

A.B.

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

J.S.

FORM (21) (a)

(Section 38)

Recognizance to Prosecute or give Evidence

Be it remembered, that on the _____ day of _____, in the year of our Lord 19____, *C.D.*, of _____, in the parish of _____, personally came before me, one of Her Majesty's Justices of the Peace for the said parish and acknowledged himself to owe to our Sovereign Lady the Queen, the sum of _____ of good and lawful money of this Island, to be made and levied of his goods and chattels, lands and tenements to the use of our said Sovereign Lady the Queen, her heirs and successors, if the said *C.D.* shall fail in the condition indorsed.

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

J.S.

Condition to Prosecute

The condition of the within written recognizance is such, that whereas one, *A.B.*, was this day charged before me, *J.S.*, Justice of the Peace within mentioned, for that (*etc., as in the caption of the depositions*): If, therefore, he the said *C.D.* shall appear at the next Circuit Court, to be holden in and for the parish of _____ *and there give evidence on such indictment as may then be preferred against the said *A.B.*, then the said recognizance to be void, or else to stand in full force and virtue.

Condition to Prosecute and give Evidence

Same as the last form to the asterisk, and then thus: "And there give evidence on such indictment as may then be preferred against the said *A.B.*, then the said recognizance to be void, or else to stand in full force and virtue."

[The inclusion of this page is authorized by L.N. 480/1973]

said Superintendent (or other head officer) thereof, together with this precept; And I do hereby command you, the said Superintendent (or other head officer) of the said (prison) to receive the said *E.F.* into your custody in the said prison, there to imprison and safely keep him until after the trial of the said *A.B.* for the offence aforesaid, unless in the meantime such *E.F.* shall duly enter into such recognizance as aforesaid, in the sum of _____ dollars, before some one Justice of the Peace for the said parish, conditioned in the usual form to appear at the next Circuit Court, to be holden in and for the parish of _____, and there to give evidence of such indictment as may then be preferred against the said *A.B.*, upon the trial of the said *A.B.* for the said offence.

Given under my hand, this _____ day of _____, 19____, at _____ in the parish aforesaid.

J.S.

FORM (22) (b)

(Section 38)

Subsequent Order to Discharge the Witness

To the Superintendent (or other head officer) of the (prison) at _____

Whereas by (my) order dated the _____ day of _____ (instant) reciting that *A.B.* was lately before then charged before (me) for a certain offence therein mentioned, and that *E.F.* having appeared before me, and being examined as a witness for the prosecution in that behalf, refused to enter into a recognizance to give evidence against the said *A.B.*; and I therefore thereby committed the said *E.F.* to your custody, and required you safely to keep him until after the trial of the said *A.B.* for the defence aforesaid, unless in the meantime he should enter into such recognizance as aforesaid; and whereas for want of sufficient evidence against the said *A.B.*, the said *A.B.* has not been committed, or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said *E.F.* should be detained longer in your custody: These are therefore to order and direct you, the said Superintendent (or other head officer) to discharge the said *E.F.* out of your custody as to the said commitment, and suffer him to go at large.

Given under my hand, this _____ day of _____, 19____, at _____ in the parish aforesaid.

J.S.

FORM (23) (a)

Warrant Remanding a Prisoner

To each and all of the Constables of _____, and to the Superintendent (or other head officer) of the (prison) at _____

(Section 39 (1))

JUSTICES OF THE PEACE JURISDICTION

Whereas *A.B.* was this day charged before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____, for that (*etc., as in the warrant to apprehend*), and it appears to me to be necessary to remand the said *A.B.*: These are therefore to command you, the said constables, in Her Majesty's name, forthwith to convey the said *A.B.* to the (prison) at _____, and there to deliver him to the Superintendent (*or other head officer*) thereof, together with this precept: And I hereby command you, the said Superintendent (*or other head officer*) to receive the said *A.B.* in your custody in the said (prison), and there safely keep him until the _____ day of _____ instant, when I hereby command you to have him at _____ at _____ o'clock in the forenoon of the same day, before me, or before such other Justice or Justices of the Peace for the said parish as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my hand, this _____ day of _____
19 _____ at _____
in the parish aforesaid.

J.S.

(Section
39 (3))

FORM (23) (b)

Recognizance of Bail, instead of Remand on an Adjournment of Examination

Be it remembered, that on the _____ day of _____, in the year of our Lord 19 _____, *A.B.*, of _____, labourer, *L.M.*, of _____, gentleman and *N.O.*, of _____, planter, personally came before me, one of Her Majesty's Justices of the Peace for the said parish, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say, the said *A.B.* the sum of _____, and the said *L.M.* and *N.O.* the sum of _____, each, of good and lawful money of this Island, to be made and levied of their several goods and chattels, lands and tenements, respectively, to the use of our said Sovereign Lady the Queen, her heirs and successors, if he the said *A.B.* fail in the condition indorsed.

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

J.S.

Condition

The condition of the within 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 _____ instant:

[The inclusion of this page is authorized by L.N. 480/1973]

If therefore the said *A.B.* shall appear before me on the said day of _____, at _____ o'clock in the forenoon, or before such other Justice or Justices of the Peace for the said parish as may then be there, to answer (further) to the said charge, and to be further dealt with according to law, then the said recognizance to be void, or else to stand in full force and virtue.

FORM (23) (c)

(Section 39 (3))

Notice of such Recognizance to be given to the Accused and his Sureties

Take notice that you, *A.B.* of _____, are bound in the sum of _____, and your sureties *L.M.* and *N.O.* in the sum of _____ each, that you, *A.B.* appear before me, *J.S.*, one of Her Majesty's Justices of the Peace for the parish of _____, on the _____ day of _____ instant, at _____ o'clock in the forenoon at _____, or before such other Justice or Justices of the Peace for the same parish as may then be there, to answer further to the charge made against you by *C.D.*, and to be further dealt with according to law: And unless you, *A.B.*, personally appear accordingly, the recognizance entered into by yourself and sureties will be forthwith levied on you and them.

Dated this _____ day of _____ 19 ____ . *J.S.*

FORM (24)

(Section 40)

Warrant to convey the Accused before a Justice of the Parish, etc., in which the Offence was committed

To each and all of the Constables of _____ and to all other Peace Officers in the said parish of _____

Whereas, *A.B.*, of _____, (labourer), hath this day been charged before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said parish of _____, for that (etc., as in the warrant to apprehend): And whereas (I) have taken the deposition of *C.D.*, a witness examined by (me) in this behalf, but inasmuch as (I) am informed that the principal witnesses to prove the said offence against the said *A.B.*, reside in the parish of *C.*, where the said offence is alleged to have been committed: These are therefore to command you, the said constables in Her Majesty's name, forthwith to take and convey the said *A.B.*, to the said parish of *C.*, and there carry him before some Justice or Justices of the Peace, in and for that parish where the offence is alleged to have been committed, to answer further to the said charge before him or them, and to be further dealt with according to law: And (I) hereby further command you, the said constables, to deliver to the said Justice or

[The inclusion of this page is authorized by L.N. 480/1973]

JUSTICES OF THE PEACE JURISDICTION

Justices the information in this behalf, and also the said deposition of C.D., now given in your possession for that purpose; together with this precept.

Given under my hand, this day of ,
19 , at ,
in the parish aforesaid.

J.S.

(Section 41)

FORM (25) (a)
Recognizance of Bail

Be it remembered, that on the day of ,
in the year of our Lord 19 , *A.B.*, of (labourer),
L.M., of , (gentleman), and *N.O.*, of ,
(planter), personally came before (us) the undersigned, (two) of Her
Majesty's Justices of the Peace for the said parish, and severally
acknowledged themselves to owe to our Sovereign Lady the Queen, the
sums following, that is to say, the said *A.B.*, the sum of ,
and the said *L.M.* and *N.O.*, the sum of each, of
good and lawful money of this Island, to be made and levied of their
several goods and chattels, lands and tenements respectively, to the
use of our said Sovereign Lady the Queen, her heirs and successors,
if he the said *A.B.* fail in the condition indorsed.

Taken and acknowledged the day and year first above-mentioned,
at , before us.

J.S.
J.N.

Condition in Ordinary Cases

The condition of the within written recognizance is such, that
whereas the said *A.B.* was this day charged before (us) the Justices
within mentioned, for that (*etc., as in the warrant*): If, therefore, the
said *A.B.* will appear at the next Circuit Court, to be holden in and
for the parish of , and there surrender himself into
the custody of the Superintendent (*or other head officer*) of the
(prison) there, and plead to such indictment as may be presented
against him by the Director of Public Prosecutions, and take his trial
upon the same, and not depart the said Court without licence, then the
said recognizance to be void, or else to stand in full force and virtue.

(Section 41)

FORM (25) (b)

*Notice of the said Recognizance to be given to the Accused and
his Bail*

Take notice that you, *A.B.*, of , are bound in
the sum of , and your sureties *L.M.* and *N.O.* in the
sum of each, that you *A.B.* appear, (*etc., as in the
condition of the recognizance*), and not depart the said Court without
leave; and unless you, the said *A.B.* personally appear and plead and

[The inclusion of this page is authorized by L.N. 480/1973]

take your trial accordingly, the recognizance entered into by you and your sureties shall be forthwith levied on you and them.

Dated this _____ day of _____, 19 _____

FORM (25) (c)

(Section 41)

Certificate of Consent to Bail by the Committing Justice, indorsed on the Commitment

I hereby certify that I consent to the within-named *A.B.*, being bailed by recognizance, himself in _____ and (two) sureties in _____ each.

J.S.

FORM (25) (d)

(Section 41)

The like on a separate paper

Whereas, *A.B.* was, on the _____, committed by me to the (prison) at _____, charged with (*etc., naming the offence shortly*): I hereby certify that I consent to the said *A.B.* being bailed by recognizance, himself in _____ and (two) sureties in _____ each.

Dated the _____ day of _____, 19 _____ J.S.

FORM (25) (e)

(Section 42)

Warrant of Deliverance on bail being given for a Prisoner already committed

To the Superintendent (or other head officer) of the (prison) at _____

Whereas *A.B.*, late of _____, (labourer), hath before (us, two) of Her Majesty's Justices of the Peace, in and for the said parish, entered into his own recognizance, and found sufficient sureties for his appearance at the next Circuit Court, to be holden in and for the parish of _____, to answer our Sovereign Lady the Queen, for that (*etc., as in the commitment*), for which he was taken and committed to your said (prison): These are therefore to command you in Her Majesty's name, that if the said *A.B.* do remain in your custody in the said (prison) for the said cause and for no other, you shall forthwith suffer him to go at large.

Given under our hands, this _____ day of _____, 19 _____, at _____ in the parish aforesaid.

J.S.
J.N.

JUSTICES OF THE PEACE JURISDICTION

(Section 43)

FORM (26) (a)
Warrant of Commitment

To each and all of the Constables of _____, and to
the Superintendent (or other head officer) of the (prison)
at _____

Whereas, *A.B.*, was this day charged before me, *J.S.*, one of Her Majesty's Justices of the Peace, in and for the said parish of _____, on the oath of *C.D.*, of _____, (planter), and others, for that, (*etc., stating shortly the offence*): These are therefore to command you, the said constables, to take the said *A.B.*, and him safely to convey to the (prison) at _____ aforesaid and there to deliver him to the Superintendent (or other head officer) thereof, together with this precept; and I do hereby command you, the said Superintendent (or other head officer) of the said (prison) to receive the said *A.B.* into your custody in the said (prison), and there safely keep him until he shall be thence delivered by due course of law.

Given under my hand, this _____ day of _____,
19____, at _____,
in the parish aforesaid.

J.S.

(Section 44)

FORM (26) (b)
Gaoler's Receipt to the Constable for the Prisoner

I hereby certify that I have received from *W.T.*, constable of _____, the body of *A.B.*, together with a warrant under the hand of *J.S.*, Esquire, one of Her Majesty's Justices of the Peace for the parish of _____, and that the said *A.B.*, was (sober, or as the case may be) at the time he was so delivered into my custody.

P.B.,
Superintendent (or other head officer),
of the prison.

PART III
GENERAL PROVISIONS

(Section 47)

FORM (27)
Summons of a Witness
(Under Part I)

To *E.F.*, of _____, in the parish of _____

Whereas information was laid (or complaint was made) before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____, for that (*etc., as in the summons*)

and it hath been made to appear to me, upon (oath) that you are likely to give material evidence on behalf of the (prosecutor, or complainant or defendant) in this behalf: These are therefore to require you to be and appear on _____, at _____ o'clock in the forenoon at _____ before such Justices of the Peace for the said parish as may then be there, to testify what you shall know concerning the matter of the said information (or complaint).

Given under my hand, this _____ day of _____, 19____, at _____ in the parish aforesaid.

J.S.

FORM (28)

(Section 47)

*Summons of a Witness
(Under Part II)*

To E.F., of _____, (labourer)

Whereas information hath been laid before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____, that A.B. (etc., as in the summons or warrant against the accused), and it hath been made to appear to me upon (oath) that you are likely to give material evidence for the (prosecution or defence): These are therefore to require you to be and to appear before me on _____ next, at _____ o'clock in the forenoon, at _____, or before such other Justice or Justices of the Peace for the same parish as may then be there, to testify what you shall know concerning the said charge so made against the said A.B. as aforesaid. Herein fail not.

Given under my hand, this _____ day of _____, 19____, at _____ in the parish aforesaid.

J.S.

FORM (29)

(Section 47)

*Warrant where a Witness has not Obeyed a Summons
(Under Part I)*

To each and all of the Constables of _____ and to all other Peace Officers in the said parish of _____

Whereas information was laid (or complaint was made) before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said parish of _____, for that (etc., as in the summons), and it having been made to appear to me upon oath that E.F., of _____, in the said parish, labourer, was likely to give material evidence on behalf of the (prosecutor), I did duly issue my summons to the said E.F., requiring him to be and appear on _____.

[The inclusion of this page is authorized by L.N. 480/1973]

JUSTICES OF THE PEACE JURISDICTION

at _____ o'clock in the forenoon of the same day, at
 before such Justices of the Peace of the said parish as might then be
 there to testify what he should know concerning the said *A.B.*, or
 the matter of the said information (or complaint); and whereas proof
 hath this day been made before me upon oath of such summons having
 been duly served upon the said *E.F.*, and of a reasonable sum having
 been paid (or tendered) to him for his costs and expenses in that
 behalf; and whereas the said *E.F.* hath neglected to appear at the time
 and place appointed by the said summons, and no just excuse hath
 been offered for such neglect: These are therefore to command you
 to take the said *E.F.*, and to bring and have him on _____
 at _____ o'clock in the forenoon at _____, before
 such Justices of the Peace for the said parish as may then be there,
 to testify what he shall know concerning the matter of the said
 information (or complaint).

Given under my hand, this _____ day of _____,
 19____, at _____,
 in the parish aforesaid.

J.S.

(Section 47)

FORM (30)

*Warrant where a Witness has not Obeyed a Summons
 (Under Part II)*

To each and all of the Constables of _____ and to all other
 Peace Officers in the said parish of _____

Whereas information having been laid before the undersigned (one)
 of Her Majesty's Justices of the Peace in and for the said parish 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, I
 did duly issue 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 same parish, as
 might then be there, to testify what he should know respecting the
 said charge so made against the said *A.B.* as aforesaid: And whereas
 proof hath this day been made before me, upon oath, of such summons
 having been duly served upon the said *E.F.*. And whereas the said
E.F. hath neglected to appear at the time and place appointed by the
 said summons, and no just excuse 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

[The inclusion of this page is authorized by L.N. 480/1973]

JUSTICES OF THE PEACE JURISDICTION

without being compelled so to do: These are therefore to command you to bring and have the said *E.F.* before me, on
 at _____ o'clock in the forenoon, at _____, or before
 such other Justice or Justices of the Peace for the same parish as may
 then be there, to testify what he shall know concerning the said
 charge so made against the said *A.B.*, as aforesaid.

Given under my hand, this _____ day of _____
 19 _____, at _____
 in the parish aforesaid.

J.S.

(Section 47)

FORM (33)

Commitment of a Witness for refusing to be sworn, or to give evidence
 (Under Part D)

To each and all of the Constables of the parish of _____, and to
 the Superintendent (or other head officer) of the (prison)
 at _____

Whereas information was laid (or complaint was made) before the
 undersigned, (one) of Her Majesty's Justices of the Peace, in and for
 the said parish of _____, for that (etc., as in the summons)
 and one *E.F.*, now appearing before me, such Justice as aforesaid, on
 _____, at _____, and being required by
 me to make oath (or affirmation) as a witness in that behalf, hath
 now refused so to do (or, being now here duly sworn as a witness in
 the matter of the said information or complaint, doth refuse to answer
 certain questions concerning the premises, which are now here put
 to him), without offering any just excuse for such his refusal: These
 are therefore to command you, the said constables to take the said
E.F., and him safely convey to the (prison) at _____,
 aforesaid, and there deliver him to the said Superintendent (or other
 head officer) thereof, together with this precept; and I do hereby
 command you, the said Superintendent (or other head officer) of the
 said (prison) to receive the said *E.F.* into your custody in the said
 (prison), and there imprison him for such his contempt, for the space
 of _____ days, unless he shall, in the meantime, consent
 to be examined, and to answer concerning the premises: And for
 your so doing this shall be your sufficient warrant.

Given under my hand, this _____ day of _____,
 19 _____, at _____,
 in the parish aforesaid.

J.S.

FORM (34)

(Section 47)

*Warrant of Commitment of a witness for refusing to be sworn, or to give evidence
(Under Part II)*

To each and all of the Constables of _____, and to
The Superintendent (*or other head officer*) of the (prison)
at _____

Whereas, *A.B.*, was lately charged before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said parish of _____, for that (*etc., as in 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. 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 as should then be there, to testify what he should know 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, hath now refused so to do (*or being duly sworn as a witness doth now refuse to answer certain questions concerning the premises, which are here put to him, without offering any just excuse for such his refusal*): These are therefore to command you, the said constables to take the said *E.F.*, and him safely to convey to the (prison) at _____ in the parish aforesaid, and there deliver him to the said Superintendent (*or other head officer*) thereof, together with this precept; and I do hereby command you, the said Superintendent (*or other head officer*) of the said (prison) to receive the said *E.F.*, into your custody in the said (prison) and him there safely keep for the space of _____ days for his said contempt, unless he shall, in the meantime, consent 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 _____
19 _____, at _____,
in the parish aforesaid.

J.S.

FORM (35)

(Section 62)

*Order to Superintendent of Prison to bring up person
imprisoned to answer further charge*

To _____, Superintendent (*or other head officer*)
of the _____ Prison.
Whereas _____, now in your custody has this day _____

JUSTICES OF THE PEACE JURISDICTION

been charged, on oath, before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the parish of
for that he (*stating shortly the offence*): These are therefore to command you to bring the said _____, before me, on _____, at _____ o'clock in the forenoon, or before such other Justice of the Peace, for the same as may then be there, that the said charge may be duly inquired into.

Given under my hand, this _____ day of _____

19 _____, at _____,

in the parish aforesaid.

J.S.

Justice of the Peace.

(Section 65)

SCALE OF FEES

On each information	...	...	...	\$10.00
On each summons	...	...	...	\$20.00
On each warrant	...	...	...	\$20.00
On each affidavit to ground search warrant and warrant	...	...	...	\$20.00
On each affidavit and warrant for articles of the peace and good behaviour	...	...	...	\$20.00
On each summons, or subpoena for a witness, to contain not more than four names including the affidavit of materiality to obtain same	...	...	...	\$10.00
On each warrant of distress	...	...	...	\$10.00
On each Order of Court	...	...	...	\$10.00
On each certificate to be annexed to proceedings	...	...	...	\$10.00
On each certified copy and extract of proceedings, for every sheet of 160 words	...	...	...	\$10.00

SECOND SCHEDULE

(Section 5A)

The Agricultural Produce Act
 The Agricultural Small Holdings Act
 The Cocoa Industry Board Act
 The Country Fires Act
 The Cruelty to Animals Act
 The Keeping of Animals Act
 The Larceny Act, sections 48 to 51
 The National Solid Waste Management Act
 The Praedial Larceny (Prevention) Act
 The Public Health Act
 The Quarries Control Act
 The Registration of Business Names Act
 The Rent Restriction Act
 The Trespass Act
 The Weights and Measures Act
 The Tourist Board (Prescribed Areas) Regulations, 1985