determine in his absence, or may issue a warrant and adjourn the hearing until his apprehension. If the complainant does not appear, the justices may dismiss the complaint or adjourn the hearing. The punishment inflicted may be fine or imprisonment, or both. Imprisonment as a rule cannot exceed six mouths. The regular mode of proceeding where a conviction adjudges a pecuniary penalty, or an order requires payment of a sum of money, is by issue of a warrant of distress to be levied on the goods of the defendant. The court usually consists of two or more justices, but the lord mayor or an alderman of the City of London, a metropolitan police magistrate, and a stipendiary magistrate have each the authority of two justices. The Act further makes provision for curing defects in form in the proceedings for the payment of costs, for removing difficulties as to the boundaries of jurisdiction, and for various other matters. The schedule gives forms of proceedings, which are as far as possible to be followed. The Act of 1879 amended the Act of 1848 in several important particulars, chiefly in the direction of greater leniency and enlarged jurisdiction and power of appeal. A greater discretion in the infliction of punishment is conferred on the court. A scale of imprisonment in respect of non-payment of a fine or default of distress is fixed at periods varying according to the amount of the fine unpaid, but in no case exceeding three months (except in certain revenue offences, where the limit is six months), and without hard labour, unless hard labour is specially authorized by the Act on which the conviction is founded. Time may be given for payment of money, or it may be ordered to be paid by instalments, or security may be taken. Summary trial of children under twelve is allowed at the discretion of the court in case of any indictable offence other than homicide, unless objection is made by the parent or guardian. A child cannot on summary conviction be imprisoned for more than a month or fined more than 40s. Summary trial of juvenile offenders between twelve and sixteen and of adults is allowed in certain crimes mentioned in the Act, if the accused assents and foregoes his right to trial by jury. There are cases in which the court can deal summarily with an adult pleading guilty where it would have been necessary to commit him for trial had he pleaded not guilty. The court may in trivial cases discharge the accused without punishment or with only a nominal punishment. Improvements are made in the prac­tice as to sureties, recognizances (see Surety, Recognizance), and the issue and execution of warrants of commitment and distress. The issue of such a warrant may be postponed if the court thinks fit. The wearing apparel and bedding of a person and his family, and the tools and implements of his trade to the value of £5, are exempt from distress. Imprisonment may in certain cases be ordered instead of distress. The right of appeal is much extended. An appeal now lies from every conviction or order adjudging imprison­ment without the option of a fine where the accused did not plead guilty. The appeal by the Act of 1884 must be in accordance with the procedure of the Act of 1879, or of any subsequent Act giving a right of appeal in the particular case. The appeal is to Quarter Sessions (*q.v.).* A summons or warrant is not avoided by the death or cesser of office of the justice issuing it. Under the powers of the Act rules and forms were framed which came into effect on 1st January 1880. The Summary Jurisdiction (Process) Act, 1881 (44 and 45 Vict. c. 24, applying to Great Britain, but not to Ireland), gave additional facilities for serving and executing the process of an English court of summary jurisdiction in Scotland or of a Scotch court in England, on endorsement in the country where it is executed. The Summary Jurisdiction Act, 1884 (47 and 48 Vict. c. 43), repealed a number of enactments rendered obsolete by the Acts of 1848 and 1879 and explained certain sections of those Acts as to which doubts had arisen. There are numerous other enactments dealing less directly with the powers of courts of summary jurisdiction. For instance, the Merchant Shipping Acts give justices large powers in case of salvage claims and of offences by seamen. The Criminal Law Consolidation Acts of 1861 give them limited jurisdiction in larceny, coining, malicious injuries to property, and offences against the person. Among many other Acts conferring summary jurisdiction are the Army, Bastardy, Customs, Employers and Workmen, Game, Highway, Licensing, Post Office, and Vagrant Acts. Some of the later Acts, such as the Customs and Army Acts, apply to the United Kingdom. The decision of a court of summary jurisdiction may be reviewed by, besides appeal, a writ of certiorari, mandamus, or habeas corpus, or by statement of a special case.

*Scotland.—*Summary jurisdiction in Scotland depends chiefly upon the Summary Jurisdiction Acts, 1864 and 1881. A court of summary jurisdiction includes the sherifi' court. The Acts follow, *mutatis mutandis,* the lines of English legislation. All proceedings for summary conviction or for recovery of a penalty must be by way of complaint according to one of the forms in the schedule to the Act of 1864. The English summons and warrant are repre­sented in Scotland by the warrant of citation and the warrant of apprehension. Where no punishment is fixed for a statutory offence, the court cannot sentence to more than a fine of £5 or sixty days’ imprisonment, in addition to ordering caution to keep the

peace. The Act of 1881 adopts many of the provisions of the English Act of 1879. In addition, it confers the discretion as to punishment to a sheriff trying by jury in cases where the prosecu­tion might have been by complaint under the Acts. Appeals from courts of summary jurisdiction are now mainly regulated by 38 and 39 Vict. c. 62, and proceed on case stated by the inferior judge.

*Ireland.—*The principal Acts dealing with the subject are the Summary Jurisdiction and Petty Sessions Acts, 1851 (14 and 15 Vict. cc. 92, 93). These Acts are more extensive in their purview than the English Acts, as they form in a great degree a code of substantive law as well as of procedure. The exceptional political circumstances of Ireland have led to the appointment of resident magistrates under 6 and 7 Will. IV. c. 13, and to the conferring at different times on courts of summary jurisdiction of an authority, generally temporary, greater than that which they can exercise in Great Britain. Recent instances are the Peace Preservation Act, 1881, and the Prevention of Crime Act, 1882. The provisions of the English Act of 1879 as to children were extended to Ireland by 47 and 48 Vict. c. 19.

*United States.—*By Art. III. s. 2 of the constitution the trial of all crimes, except in cases of impeachment, is to be by jury. By Art. V. of the amendments no person can be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury. Considerable changes have been made by State legislation in the direction of enlarging the powers of courts of summary jurisdiction. (J. W+.)

SUMMONS *(summonitio)* is a legal form demanding the attendance of a person in parliament (see Peerage, vol. xviii. p. 462) or before a court of justice. The term as it applies to courts of justice is used both in civil and in criminal procedure, but is not applied universally to all cases of demanding attendance. Thus in the Probate, Divorce, and Admiralty Division the summons is usually, following the civil law, called a “citation,” while a summons to a witness (at least in the superior courts) bears the name of “ subpoena,” taken from the initial words of the penal clause in its Latin form. Whatever be the name, the principle of law is invariable, that a court before proceeding to adjudicate should bring before itself by some formal legal process all persons interested in the decision or able to influence the decision by giving evidence as material witnesses. The oral summons, like the oral pleading, seems to have been earlier in time than the written form. In Roman law the oral *in jus vocatio* existed centuries before the written *libellus conventionis.* The antiquity and im­portance of the summons as a legal form in England is shown by the presence of the “sompnour,” or summoner of the ecclesiastical court, as one of the characters in the *Canterbury Tales,* and by the comparative frequency of “ Sumner ” as a surname. In civil procedure a summons may be issued either in the High Court or in an inferior court, such as a county court. In the High Court all actions are commenced by writ of summons. In the High Court the summons (in this case not in the form of a writ) is also a convenient mode of determining interlocutory matters by a judge or some other officer of the court— such as a master in the Queen’s Bench Division or a chief clerk in the Chancery Division—without the necessity of bringing the case into court.

The tendency of recent legislation is towards the increased use of the summons as a mode of presenting a case for decision. For instance, under the Vendor and Purchaser Act, 1874, and the Con­veyancing Act, 1881, many important questions, even of title to real property, may be raised on summons. It thus approaches very nearly to Pleading *(q.v.);* in fact, the definition of pleading in the Judicature Act, 1873, s. 100, includes summons. The Rules of the Supreme Court, 1883, introduced two new forms of summons,— (1) the general summons for directions, by which several matters may be included in a single summons which before the rules must have been the subject of separate applications ; (2) the originating summons in the Chancery Division, by which proceedings may be commenced without writ for certain kinds of relief specified in the rules (see Ord. lv. r. 3). The originating summons to a great extent supersedes the action for administration of a trust or of the estate of a deceased person.@@1 An ordinary summons must be served

@@@1 A similar practice existed before 1883 under the powers given by 15 and 16 Vict. c. 86, but was very limited in its operation, as it applied simply to the personal estate of a deceased person.