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 certain of the provisions of the English act of 1879 as to mitigation of fines, terms of imprison­ment, &c., and also gives a discretion as to punishment to a sheriff trying by jury in cases where the prosecution might have been by complaint under the acts. By the Youthful Offenders Act 1901, Scottish courts of summary jurisdiction have acquired the same jurisdiction as to offences by children as was conferred on English justices in 1879. Appeals from courts of summary jurisdiction are now mainly regulated by the act of 1875 (38 and 39 Vict. c. 62), and proceed on case stated by the inferior judge. A bill was sub­mitted to parliament in 1907 for consolidating and amending the Scottish summary procedure.

Ireland.—In Ireland the High Court has the same summary powers in cases of contempt, and the term tt court of summary jurisdiction ” has the same meaning as in England (Interpretation Act 1889, s. 13 [n]), subject to the definition of the Summary Jurisdiction (Ireland) Acts, which are, as regards the Dublin metro­politan police district, the acts regulating the powers and duties of justices of the peace or of the police of that district, and as respects any other part of Ireland the Petty Sessions (Ireland) Act 1851 (14 and 15 Vict. c. 93) and any act amending the same. The 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. By an act of 1884 the same jurisdiction was given as to offences by children as by the act of 1879 in England. Stipendiary or resident magistrates may be appointed in the place of unpaid justices under an act of 1836 (6 & 7 W. IV. c. 13). The exceptional political circumstances of Ireland have led 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 Crimes Act 1882, both expired, and the Criminal Law and Procedure (Ireland) Act 1887.

British Dominions beyond the, Seas.—The legislation of British possessions as to summary jurisdiction follows the lines of English legislation, but, and especially in crown colonies, there is a disposition to dispense with the jury more than under English procedure, and in most colonies stipendiary magistrates are more freely employed than unpaid justices of the peace (see British Guiana, Ord. No. 10 of 1893). Many of the colonial criminal codes include a number of offences punishable on summary convic­tion. The procedure closely follows English models, but has in many cases been consolidated and simplified *(e.g.* Victoria, Justices Act 1890, No. 1105; British Guiana, Ord. No. 12 of 1893). In many colonies stipendiaries and justices of the peace exercise civil jurisdiction as, to matters dealt with in England by the county court *(e.g.* British Guiana, Ord. No. 11 of 1893).

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.

European Countries.—On the continent of Europe trial of criminal cases by a bench of judges without a jury is the original and normal method, and continues except in those cases as to which under the penal and procedure codes jury trial is made necessary. In France the place of courts of summary jurisdiction is filled by *tribunaux correctionels.* (W. F. C.)

SUMMIT, a city of Union county, New Jersey, U.S.A., in the north-east of the state, about 21 m. W. of New York City. Pop. (1900) 5302, of whom 1397 were foreign-born; (1905) 6845; (1910) 7500. It is served by the Morris & Essex and the Passaic & Delaware divisions of Delaware, Lackawanna & Western railroad, and by the Rahway Valley railroad extending to Roselle, 9 m. distant. Summit is picturesquely situated on the crest of a ridge called Second Mountain, with a mean eleva­tion of 450 ft. It is a residential suburb of New York, and attracts a number of summer residents. Among its institu­tions are a public library (1874), a home for blind children, the Overlook hospital and the Kent Place school (1894) for girls. On Hobart Hill there is a monument marking the site of a beacon light and a signal gun used during the War of Independence. Summit was incorporated as a township in 1869 from parts of the townships at Springfield and New Providence, and was chartered as a city in 1899.

SUMMONS (Fr. *semonce*, from *semonner* or *semondre,* Lat. *summonere1 summonitio),* in English law (1) a command by a superior authority to attend at a given time or place or to do some public duty; (2) a document containing such command, and not infrequently also expressing the consequences entailed by neglect to obey. The oral summons or citation seems to have preceded the written summons in England, just as in Roman law *in jus vocatio* existed for centuries before the *libellus conυentionis.* 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 in *The History of Sir John Oldcastle,* where the sumner is made to eat a citation issued from the bishop of Rochester’s court. The term is used with reference to a demand for the attendance of a person in the high court of parliament. As regards English courts of justice it is equivalent to what in the civil and canon law and in Scots law, and in English courts deriving their procedure from those sources, is known as "citation.” That term is still preserved in English ecclesiastical courts and in matrimonial causes.

It is an essential principle of justice that a court should not adjudicate upon any question without giving the parties to be affected or bound by the adjudication the opportunity of being heard and of bringing their witnesses before the court. The most usual term in English law for the process by which attendance is commanded or required is the “ summons.”

*Civil* Proceedings.—In the High Court of Justice, civil actions are begun by obtaining from the officers of the court a document known as a “ writ of summons.” In this document are stated the names of the parties and the nature of the claim made (which in the case of liquidated sums of money must be precise and particu­lar). It is sealed and issued to the party suing it out, and served on the opposing party, not by an officer of the court but by an agent of the plaintiff. The tenor of, the writ is, to require the defendant to appear and answer the, claim, and to indicate the consequences of non-appearance, viz. adjudication in default.

Many proceedings in the High Court and some in the county court are initiated by forms of summons different from the writ of summons. Of those issued in the High Court three classes merit mention :—

1. For determining interlocutory matters of practice and pro­cedure arising in "a pending cause or matter.” These are now limited, as far as possible to a general summons for directions, intro­duced in 1883 so as to discourage frequent and expensive applica­tions to the masters or judges of the High Court on questions of detail. These summonses are sealed and issued on application at the offices of the High Court. The matters raised are dealt with by a master or judge in chambers summarily. In matters of practice and procedure there is no appeal from a judge at chambers without leave from him or from the court of appeal.

2. For determining certain classes of questions with more despatch and less cost than is entailed by action or petition. This kind of summons is known as an “ originating summons,” because under it proceedings may be originated without writ for certain kinds of relief specified in the rules (R. S. C., O. 55, r. 3). The originating summons may be used in all divisions of the High Court, but is chiefly employed in the chancery division, where it to a great extent supersedes actions for the administration of trusts or of the estates of deceased persons;@@1 and for the foreclosure of mortgages a similar but not identical procedure was created by the Vendor and Purchaser Act 1874, and the Conveyancing Act 1881, with reference to questions, of title, &c., to real property. In the king’s bench and probate divisions the originating summons is used for determining summarily questions as to property between husband and wife, or the right to custody of children, and many other matters (O. 54, rr. 4 B–4 F). The proceedings on an originating summons are conducted summarily at chambers without pleadings, and the evidence is usually written. In the chancery division where the questions raised are important the summons is adjourned into court. An appeal lies to the court of appeal from decisions on originating summonses.

The forms of summonses and the procedure thereon in civil cases in the High Court are regulated by the Rules of the Supreme Court 1883 to 1907.

, 3,. Certain proceedings on the crown side of the king’s bench division are begun by summons, *e.g.* applications for bail; and in vacation writs of habeas corpus, *mandamus,* prohibition and *certiorari* are asked for by summons as the full court is not in session. (See Crown Office Rules, 1906).

In the county courts an action is begun by plaint and summons. Two kinds of summons are in use—the ordinary summons used for every form of county court action, and the default summons, which is an optional remedy of the plaintiff in actions for debts or liquidated demands exceeding £5, and in all actions for the price or hire of goods

@@@1 A similar practice existed before 1883 under the powers given by

15 & 16 Vict. c. 86, but was very limited in its operation, as it applied simply to the personal estate of a deceased person.