

(4.) The accused who is to be admitted to bail, either on remand or on or after trial ordered shall produce such surety or sureties as, in the opinion of the Court, will be sufficient to insure his appearance as and when required, and shall with him or them enter into a recognizance accordingly.

#### Trial with Jury or Assessors.

36.—(1.) When the offence charged is treason or murder, the case must be tried with a jury before the Court for Siam, or under the provisions of this Order before the Supreme Court.

(2.) In each of the two following cases, namely:—

(i.) Where the offence charged is rape, arson, housebreaking, robbery with violence, forgery or perjury; or,

(ii.) Where the offence charged is any other than aforesaid, but it appears to the Court at any time before the trial, the opinion of the Court being recorded in the Minutes, that the offence charged, if proved, would not be adequately punished by imprisonment for three months with hard labour, or by a fine of twenty pounds, or both such imprisonment and fine—

The charge shall be triable with a jury or assessors (according to the provisions of this Order applicable to the Court); but may, with the consent of the accused, be tried without assessors or jury. In the Court for Siam, when the accused does not so consent, the charge shall be tried with a jury, unless the Court is of opinion that a jury cannot be obtained.

(3.) The Court for Siam may, for any special reason, direct that any case shall be tried with assessors or a jury, and a District Court may, for any special reason, direct that any case shall be tried with assessors. In each such case the special reason shall be recorded in the Minutes.

37.—(1.) Where an accused person is ordered to be tried before a Court with a jury, or with assessors, he shall be tried as soon after the making of the order as circumstances reasonably admit.

(2.) As long notice of the time of trial as circumstances reasonably admit shall be given to him in writing, under the seal of the Court, which notice, and the time thereof, shall be recorded in the Minutes.

38.—(1.) The Court for Siam shall, when required by the Secretary of State, send to him a report of the sentence of the Court in any case tried before that Court with a jury or assessors, with a copy of the Minutes and notes of evidence, and with any observations which the Court thinks fit to make.

(2.) Every District Court shall, in accordance with Rules of Court, send to the Court a report of the sentence of the Court in every case tried by that Court with assessors, with such Minutes, notes of evidence, and other documents as such Rules may direct, and with any observations which the District Court thinks fit to make.

#### Summary Trial.

39. Where the complaint discloses an offence which is not required to be heard on a charge, and the Court does not think fit to direct it to be heard on a charge, the accused may be tried summarily on the complaint: Provided that no greater punishment shall be imposed than imprisonment for three months or a fine of twenty pounds, or both.

#### Preliminary Examination.

40.—(1.) Where the accused is before the Court, and it appears to the Court that the complaint discloses an offence—

(a.) Which ought to be tried in or reported to another Court; or

(b.) Which ought to be tried before the same Court with a jury or assessors; the Court shall proceed to make a preliminary examination in the prescribed manner.

(2.) Where the case is to be tried in or reported to another Court, the Court shall, on the conclusion of the preliminary examination, bind by recognizance the prosecutor and every witness to appear at the trial to prosecute, or to prosecute and give evidence, or to give evidence (as the case may be), and shall forthwith send the depositions, with a minute of other evidence (if any) and a report, to the Court before which the trial is to take place.

41. Where a British subject is charged with the commission of an offence the cognizance whereof appertains to the Court, and it is expedient that the offence be inquired of, tried, determined, and punished within His Majesty's dominions elsewhere than in England, the accused may (under "The Foreign Jurisdiction Act, 1890," section 6) be sent for trial to Singapore.

The Court for Siam may, where it appears so expedient, by warrant under the hand of the Judge and the seal of the Court, cause the accused to be sent for trial to Singapore accordingly.

The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and to carry him to and deliver him up at Singapore accordingly to the warrant.

Where any person is to be so sent to Singapore the Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are British subjects in their own recognizances to appear and give evidence on the trial.

42.—(1.) If a British subject, having appeared as prosecutor or witness at a preliminary examination, refuses to enter into a recognizance to appear at the trial to prosecute or give evidence, the Court may send him to prison, there to remain until after the trial, unless in the meantime he enters into a recognizance.

(2.) But if afterwards, from want of sufficient evidence or other cause, the accused is discharged, the Court shall order that the person imprisoned for so refusing be also discharged.

(3.) Where the prosecutor or witness is not a British subject, the Court may require him either to enter into a recognizance or to give other security for his attendance at the trial, and if he fails to do so may, in its discretion, dismiss the charge.

(4.) Subject to Rules of Court made under this Order, the Court may order payment of the reasonable expenses of any complainant or witness attending before the Court on the trial of any criminal case by a jury or with assessors, and also of the reasonable expenses of the jury or assessors.

#### Charges.

43.—(1.) Every accused person, unless tried summarily, shall be tried upon a charge, which shall state the offence charged, with such particulars as to the time and place of the alleged offence, and the person (if any) against whom or the thing (if any) in respect of which it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

(2.) The fact that a charge is made is equivalent to a statement that every legal condition required