

205. There shall be no distinction between felonies and misdemeanours or between offences punishable on indictment and by way of summary conviction; and, so far as may be necessary for the purpose of any rule of the common law or of any enactment in force in Samoa, all offences shall be deemed to be misdemeanours.

Felonies and misdemeanours.

206. Every prosecution in the High Court for an offence shall be commenced by an information in writing filed in the Court by a constable or other prosecutor with the leave of a Judge, Commissioner, Registrar, or Deputy Registrar of the Court.

Information.

207. (1.) On the commencement of any such prosecution a Judge, Commissioner, Registrar, or Deputy Registrar of the High Court may at any time, and from time to time, if and as he thinks fit, issue either a warrant for the arrest of the accused or a summons requiring him to appear before the High Court at a time and place specified in the summons, there to answer the charge made against him in the information.

Warrant or summons.

(2.) Any such warrant may be at any time issued, notwithstanding the fact that a summons has been already issued to the accused as aforesaid.

208. When a prosecution has been so commenced and the accused is in custody a Judge, Commissioner, Registrar, or Deputy Registrar of the High Court may at any time, and from time to time pending the trial of the accused, commit him to prison to await his trial, or admit him to bail, with or without sureties, on a recognizance conditioned to appear before the High Court for trial.

Committal for trial or admission to bail where accused in custody.

209. When any person is prosecuted for an offence punishable by fine only, and has been duly summoned to appear before the High Court, and fails to appear in obedience to the summons, the Court may try and sentence him for that offence in his absence.

Trial of accused in his absence.

210. (1.) A constable may arrest without warrant any person whom on reasonable grounds he suspects of having committed any of the following offences: murder, manslaughter, theft, robbery, rape, arson, wilful bodily harm, wilful mischief to property, riot, forcible entry, escape from lawful custody, indecent behaviour, assault, fighting or drunkenness in a public place, burglary, or an attempt to commit any such offence.

Arrest without warrant.

(2.) Every person so arrested without warrant shall be forthwith brought before a Judge, Commissioner, Registrar, or Deputy Registrar of the High Court.

(3.) If the Judge, Commissioner, Registrar, or Deputy Registrar refuses leave to file an information against the prisoner for the offence for which he has been so arrested, or if a prosecution for that offence is not commenced within a reasonable time, the Judge, Commissioner, Registrar, or Deputy Registrar shall discharge the prisoner from custody; but no such discharge shall operate as an acquittal so as to preclude a subsequent prosecution of the prisoner for the offence for which he was so arrested.

#### Assessors.

211. On a criminal trial the High Court shall sit either with or without assessors in accordance with the provisions hereinafter contained.

Constitution of Court on criminal trials.

212. On the trial of any person for an offence punishable by death or by imprisonment for more than five years the Court shall sit with assessors.

Court with assessors.

213. On the trial of any person on an information charging him exclusively with an offence or offences punishable only by fine the Court shall sit without assessors.

Court without assessors.

214. (1.) In all other criminal trials the Court shall sit without assessors, unless the Court in its discretion orders otherwise either of its own motion or on the application of either the prosecutor or the accused.

Discretion of Court as to assessors.

(2.) If the Court sits without assessors, it shall have no power to impose any term of imprisonment exceeding twelve months, whatever may be the maximum term of imprisonment otherwise provided by law for the offence.