

If adjudged defective.

without obliterating or altering the original declaration; and if such amendment be allowed, the defendant (should he require it) may have a further delay to plead to the merits, or for plea and proof, as may be ordered; and if the declaration, in the opinion of the Justice, be so defective that a legal conviction cannot be based upon it, and it be not amended, the Justice may dismiss the case, with or without costs in his discretion. 5

Not to be dismissed for informality, &c. —but adjourned in certain cases.

15. No such prosecution shall otherwise be dismissed for any defect, informality, error or omission; but if it appear that the defendant has been or may have been, materially misled thereby, the Justice may, on such terms as he thinks fit, adjourn further the proceedings in the case to a future day. 10

Service of process, &c.

16. Every summons or other process, proceeding, or paper, in any such case, may be served, and the service thereof certified, under his oath of office, by any bailiff, or by any constable or peace officer duly appointed for the District in which the same is pending. 15

Depositions may be reduced to writing and filed.

17. In every such case, if the Justice so order, or if either party so require, the depositions of the witnesses shall be reduced to writing by such clerk as the Justice may appoint to that end, and shall be filed on record in the cause, in like manner as if the same had been taken in the Superior Court for Lower Canada. Such clerk shall be entitled to charge and receive at the rate of *ten cents* for each hundred words of evidence so reduced to writing, or of *two dollars per diem*, in the discretion of the Justice; to be entered in taxation, and paid by either party, or partly by each party, as the conviction or judgment in the case may ordain; and if no conviction or judgment be rendered therein within two months after the taking of such evidence, then the fees of such clerk shall be paid in equal shares by each party. 20

Fees to clerk employed and how paid.

18. It shall not be necessary in any such case, to prove that an offence was committed on the precise day specified, in order to obtain a conviction; provided it be proved that the same was committed on or about such day, and before the date of the declaration. 30

Proof of precise date of offences dispensed with.

Delivery of liquor in other than private houses to be deemed evidence of a sale.

19. In all such cases the delivery of intoxicating liquor of any kind, in or from any building or place, other than a private dwelling house or its dependencies, or in or from any dwelling house or its dependencies, if any part thereof is used as a tavern, eating house, grocery, shop, or other place of common resort, —such delivery in either case being to any one not *bona fide* a resident therein, —shall *prima facie* be deemed evidence of and punishable as a sale in violation of the seventh and ninth sections of this Act; and any such delivery in or from a private dwelling house or its dependencies, or in or from any other building or place whatever, to any one whether resident therein or not, with payment or promise of payment, either express or implied, before, on or after such delivery, shall *prima facie* be deemed evidence of and punishable as a sale in violation of the said sections. 35

What shall be so deemed in private houses.

20. No person shall be incompetent on account of interest in the event of such case, to give evidence therein. 45

As to interest of witnesses.

Witnesses bound to answer all relevant questions.

21. Any person examined or called as a witness in any such case shall be bound to answer all questions put to him, and which the Justice deems relevant, notwithstanding his answers may disclose facts subverting or tending to subject him to any penalty or other criminal pro- 50