

covered before any Justice of the Peace for the county wherein the said offence shall be committed.

Persons designated as drunkards may apply for a Jury to try the fact of drunkenness.

V. Any person so designated by the Municipal authorities aforesaid as an habitual drunkard, may apply to the Clerk of the Division Court of the division in which the person so designated resides, requiring him by notice in writing, to summon a Jury to try and determine such fact of drunkenness, and it shall be the duty of such Clerk upon receiving such notice, immediately to summon the head of the Municipality aforesaid to appear at the next ensuing session of the Division Court, to be held in and for such division, there to appear for the trial of such fact; Provided always, that such summons shall be served at least ten days previous to the sitting of the said Court; and also it shall be the duty of said Clerk, and he is hereby required to summon a Jury in the manner, and subject to the conditions provided in the 13th & 14th Vict., cap. 53, for the summoning of Juries for the Division Courts in certain cases.

Proviso.

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Jury to be sworn.

VI. At the next ensuing session of the Division Court held in and for the division in which the person designated as a drunkard shall reside, the Judge of such Court shall swear such Jury, well and truly to try the fact of the alleged drunkenness in the same manner as for the trial of issues in suits brought in the said Court, and witnesses shall be summoned and their attendance and testimony enforced, and they shall be sworn and examined before the said Jury, in like manner.

Jury to proceed as in trials at law.

VII. The said Jury shall hear the allegations and proofs offered on both sides, and shall proceed in all respects as in trials at law to render their verdict, which verdict shall be entered by the Clerk of the Court in a book to be provided by him for that purpose.

Verdict to be presumptive evidence of the fact.

VIII. The said verdict or an attested copy thereof, under the Seal of such Division Court, shall be received and shall be deemed presumptive evidence of the fact thereby found, in any action between the Municipal authorities, and any person prosecuted by them for the penalty herein before imposed.

Judgment against party found by verdict to be an habitual drunkard, or against the Municipality if such fact be not found.

IX. If by the verdict of the Jury it shall be found that the person demanding such trial is an habitual drunkard, the Judge shall enter judgment against such person, and award execution for the costs of the Municipal authorities in attending such trial, in the same manner as in the suits between individuals, which Judges of the Division Courts are authorised to try and determine; and if it be found that such person is not an habitual drunkard, such Judge shall in like manner enter judgment and award execution for the costs of such person, against the said Municipal authorities, unless it shall appear to such Judge that the said authorities acted in good faith and had reasonable cause to believe such person an habitual drunkard, in which case no costs shall be awarded against them, but each party shall pay his own costs.

Drunkards reforming.

X. If at any time the Municipal authorities aforesaid shall be satisfied that such drunkard has reformed and become temperate, they may revoke and annul any such notice given by them or any of their predecessors in office.

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