

5 toxicating, in violation of the seventh section of this Act, shall incur a penalty of not less than twenty nor more than *fifty dollars* for each such offence; and whoever, in the employment or on the premises of another, so sells, or barbers, or gives, in violation of the said section, shall be held 5 equally guilty with the principal, and shall incur the same penalty.

Penalty.
The agent
equally guilty
with the principal.

10 Any prosecution for such penalty may be brought by or in the name of the county, city, town, or local municipality, as the case may be, or by or in the name of any person, whether authorized by the Council of such municipality or not,—and before any Stipendiary Magistrate or any one or more other Justices of the Peace for the District wherein the offence was committed, or, if the offence was committed in the District either of Montreal or of Quebec, then before the Recorder or Judge of the Sessions of the Peace at Montreal or Quebec, as may be, or, if the offence was committed in any other District, then before the 15 Sheriff of such District. If such prosecution is brought before a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, or Sheriff, no other Justice shall sit or take part therein.

By whom and
before what
tribunal penalties may be
recovered.

20 In the next following eighteen sections, the word "Justice" includes any such Recorder, Judge of the Sessions of the Peace, Sheriff, or Stipendiary Magistrate, or any such one or more other Justices of the Peace, as the case may be.

If before a
stipendiary
magistrate,
&c.

Interpretation
as to next
18 sections.

25 11. Every such prosecution shall be commenced within six months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the defendant, or upon the evidence of one or more witnesses.

Limitation
and form of
suit.

30 12. It shall not be necessary, in any such prosecution, to set forth or mention on the face of the declaration, summons, conviction, warrant of distress, or warrant of commitment, the by-law bringing the municipality within the special purview of this Act; but such declaration, summons, conviction and warrants may be in the forms A, B, C, D and E, respectively, hereto appended, or to the like effect; and unless the defendant specially puts in issue the fact of such by-law being in force, such fact shall be presumed by the Justice; and if such fact be so put in issue, the 35 prosecutor, of a copy of such by-law, certified under the hand of the Clerk or Secretary-Treasurer of the municipality, having thereon written a certificate under the hand of the same officer, of the due publication and communication to the Collector of Inland Revenue, of such by-law, shall be conclusive proof of the passing and of the tenor thereof, and also of such publication and communication thereof, the whole as so certified; and no fact so certified touching 40 such by-law, shall be incidentally put in issue or questioned in the course of any such prosecution.

What only it
shall be necessary to insert in the
declaration.

As to allegation
and proof
of by-law.

45 13. Two or more counts for the same offence, setting forth the same in various ways, and also two or more offences by the same party, may be included in any such declaration, provided the time and place of each offence is duly stated; and in such case, the forms aforesaid shall be altered, so far as need may be, accordingly. But, whatever may be the number of the offences so included in one declaration, the maximum of penalty imposable for them all shall in no case exceed *one hundred and fifty dollars*.

Several
counts or several
offences
may be included.

Proviso—total
penalty
limited.

50 14. Such declaration may be amended before plea to the merits, in any matter of form or substance, and without costs, upon motion in writing for the prosecutor, setting forth the required amendment, but

Amendment
of declaration