

Merchant Ship Desertion Act.

with or without hard labour, at the discretion of the Magistrate or Justices convicting.

or by indictment as
a misdemeanor.

Provided, that nothing herein contained shall be construed to prevent the Magistrate or Justices, before whom any offender against any of the provisions of this Act shall be brought, from committing such offender for trial before any Court of Assize, or Court of Oyer and Terminer which may be held in the said Colony of British Columbia; and every such Court and every Chief Justice and Judge thereof, or presiding thereat, shall be and is hereby fully authorized and empowered to enquire into, hear, and determine any and every such offence, and upon the conviction before any such Court of any such offender so committed for trial, the offender so convicted shall be deemed guilty of a misdemeanor, and shall be sentenced to and punished by any fine not exceeding Five Hundred Dollars, or to imprisonment in one of Her Majesty's Gaols for any term not exceeding Two Years, and with or without hard labour, as in the discretion of the Court or Judge so convicting the justice of the case shall seem to require.

Penalty, fine or im-
prisonment.

Not triable twice for
same offence.

Provided, that nothing herein contained shall be construed to prevent any person committing an offence under this Act, from being arrested, tried, and convicted, under any Law or Statute, Imperial or Local, before any Court having jurisdiction over such offences, but so only that the same person shall not be punished twice for the same offence.

No *certiorari*;

Informality, not to
invalidate conviction.

V. No conviction under this Act shall be removable by *certiorari*, or otherwise, into a Superior Court; nor shall any Warrant of Commitment upon a conviction under this Act be held to be invalid by reason of any informality or defect, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Short Title.

VI. This Act may be cited for all purposes as the "Merchant Ship Desertion Act, 1871."

Passed the Legislative Council the 27th day of March, A. D. 1871.

CHARLES GOOD,

PHILIP J. HANKIN,

Clerk of the Council.

Speaker.

Assented to, in Her Majesty's name, this 28th day of March, 1871.

A. MUSGRAVE,

Governor.

VICTORIA, B. C.:

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1871.