

2. Section 25 of the Act firstly above mentioned is hereby repealed, and the following substituted therefor :—

New section substituted for section 25 of the said act. Refusing to deliver arms, &c.

“25. If any person unlawfully disposes of, receives, buys or sells, or has in his possession without lawful cause, or refuses to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing, or other thing used for police purposes, such person shall thereby incur a penalty of double the value thereof, and be subject to a further fine not exceeding twenty-five dollars, and in default of payment forthwith, to imprisonment for any period not exceeding three months.

“2. If any constable or sub-constable during his engagement in the said force, having deserted, absented himself from his duties without leave, or refused to do duty therein, be found in any part of Canada other than the North-West Territories, and on being served with a notice signed by any commissioned officer of the force, requiring him to return to his duty, or being orally so required by such officer, neglects or refuses to return to his duty; such offender shall, on conviction thereof, be liable to forfeit and pay for every such offence, any sum not exceeding one hundred dollars, or to be imprisoned and kept to hard labour for any period not exceeding twelve months, or both; and upon the trial of any offender under this section it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the force, signed by such offender, but such engagement may be proved by parol evidence, or by a certificate purporting to be signed by the Commissioner, Assistant Commissioner, or any Inspector of the force, giving the date and period of such engagement; and it shall not be necessary *prima facie* to prove the signature to such certificate, which shall be held to be genuine, unless it be expressly alleged by the offender not to be so.

Deserting or refusing to do duty.

Punishment for such offence.

“3. Offenders under this section may be prosecuted before the Commissioner, or a Stipendiary Magistrate, or any Justice of the Peace, in any part of Canada; and the several provisions of the laws in force respecting the duties of Justices of the Peace, out of session, in relation to summary convictions and orders shall apply to such prosecutions.”

Prosecution under 32-33 V., c 31.

3. Any constable or sub-constable refusing to obey an order distinctly given by, or resisting the authority of a superior officer of the force, may be forthwith and without altercation, placed under arrest and detained, to be dealt with under the provisions of this Act.

Constable or sub-constable resisting authority of officer.