

103. And in case of non payment of the penalty immediately after conviction, it shall be lawful for the convicting Justice or Justices to commit the person so convicted and making default in payment of such penalty and costs to the common Gaol of the judicial district, territorial division or locality in and for which the said Justice or Justices is or are then acting, or to some house of correction or lock-up house situate therein, for a period of not less than _____ days when the penalty does not exceed twenty dollars, and for a period of not less than _____ days nor more than _____ days when it exceeds the last mentioned sum.

Imprisonment in case of non-payment.

104. No prosecution against an Officer of Provincial Militia for any penalty under this Act shall be brought except on the complaint of the Adjutant or Assistant Adjutant General ;--And no such prosecution against any non-commissioned officer or private of the Canadian Militia, shall be brought except on the complaint of the Commanding Officer or Adjutant of the Corps to which such non-commissioned officer or private belongs ;--And no such prosecution against any private or non-commissioned officer of the Volunteers, shall be brought except on complaint of the Captain or Commanding Officer thereof ;--But the Adjutant or Assistant Adjutant General may authorize any officer of Canadian Militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the Adjutant or Deputy Adjutant General.

On whose complaint penalties may be sued for.

Evidence of authority to sue.

105. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be for unlawfully buying, selling or having in possession clothing, arms or accoutrements delivered to the Canadian Militia.

Limitation of time for such prosecutions.

106. The penalty when recovered shall, if the offender belongs to the Volunteers, be paid over to the officer commanding the corps, for the purposes thereof, and shall be applied by him to such purposes and accounted for by him to the Adjutant General ; and if the offender belongs to the enrolled Militia, then the same shall be paid over to the Adjutant General, who shall account for and pay it over to the Receiver General for the public uses of the Province, and it shall make part of the Consolidated Revenue Fund.

Application of penalties.

MISCELLANEOUS PROVISIONS.

107. It shall not be necessary that any order or notice under this Act be in writing, unless it is herein required, that it shall be so, provided it be communicated to the person who is to obey or be bound by it in person, either directly by the officer or person making or giving it, or by some other by his order.

Orders and notices need not be in writing, if given in person.