

Interpretation as to next 22 sections.

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

Limitation and form of suit.

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. 5

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

12. It shall not be necessary, in any such prosecution, to set forth or mention on the face of the complaint, summons, conviction, warrant of distress, or warrant of commitment, the by-law bringing the municipality within the special purview of this Act; but such complaint, 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 production 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, if in Lower Canada,—or of such communication only, if in Upper Canada,—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 such by-law, shall be incidentally put in issue or questioned in the course of any such prosecution. 15 20 25

As to allegation and proof of by-law.

Several counts or several offences may be included.

13. Two or more offences by the same party, may be included in any such complaint, provided the time and place of each offence is stated; and in that case, the forms aforesaid shall be altered, so far as need may be, accordingly. 30

Proviso—total penalty limited

2. But, whatever may be the number of the offences so included in one complaint, the maximum of penalty imposable for them all shall in no case exceed *one hundred and fifty* dollars.

Ex parte if defendant does not appear.

14. If in any such case the Defendant fails to appear as required by the summons, the Justice may proceed *ex parte* to the consideration and hearing thereof, and may adjudicate therein, as fully and effectually to all intents as though the Defendant had duly appeared in obedience to the summons. 35

Amendment of declaration

15. Any such complaint may be amended before final hearing, in any matter of form or substance, upon motion made to that effect, by or for the prosecutor,—and without costs, unless otherwise specially ordered by the justice; and on such amendment being made, the defendant (should he require it) may have a further delay to plead to the merits, or for plea and proof, as may be ordered; and if the complaint, in the opinion of the Justice, be so defective that a legal conviction cannot be based upon it, and it be not amended, the Justice may dismiss the case, with or without costs in his discretion. 40 45

If adjudged defective.

Not to be dismissed for informality, &c.—but adjourned in certain cases.

16. No such prosecution shall otherwise be dismissed for any defect, informality, error or omission; but if it appear that the defendant has been or may have been, materially misled thereby, the Justice may, on such terms as he thinks fit, adjourn the further proceedings in the case to a future day. 50