

City or Town, any Judge of a Circuit or Division Court or Commissioner for the Summary Trial of Small Causes, shall and may hear and determine any case arising within his or their jurisdiction under this Act; and every person who shall make complaint against any other person for contravening this Act or any part or portion thereof, before such Justice, Reeve, Mayor, Police Magistrate, Recorder, Judge or Commissioner may be admitted as a witness, and if the Justice, Reeve, Mayor, Police Magistrate, Recorder, Judge or Commissioner before whom the examination or trial is had shall so order, the defendant shall not recover costs, though the prosecution fail. 5

Conditions on which alone appeal, certiorari, &c. shall be allowed.

V. No Appeal, Certiorari, or Orders for removal shall be allowed to any person complained of or convicted under the preceding Sections, or against whom any order shall be made or judgment rendered for an offence against any of the provisions of this Act, unless he shall enter into a recognizance or bond to the Municipality in which the offence is alleged to have been committed, in the sum of £25, jointly and severally with two good and sufficient sureties, to prosecute his appeal, certiorari or order for removal, and pay all costs, fines and penalties that may be awarded against him upon the final determination of the case; and no recognizance or bond shall be taken except by the Justices, Reeve, or Police Magistrate, Recorder, Judge or Commissioner before whom the complaint was made or the offender tried, and if the appeal shall not be successful, the recognizance or bond shall be forfeited, and the amount thereof shall become a debt due to the Municipality within which the offence was committed, recoverable by action by and in the name of the Municipality, and it shall be the duty of the Secretary-Treasurer, Clerk, or Treasurer or Chamberlain of such Municipality to prosecute the same and the money shall be applied in the same manner as the fines hereinbefore mentioned: And if the recognizance or bond mentioned in this Section shall not be given before or within forty-eight hours after conviction, order made or judgment rendered, the appeal, certiorari or removal shall not be allowed. 10 15 20 25 30

Power to search for liquor kept in contravention of this Act.

VI. If any three persons being voters or entitled to vote at the Municipal election of the Municipality within which the complaint is made shall make oath or affirmation before any Justice, Reeve, Mayor or Police Magistrate, Recorder or Judge of a Circuit Court or Division Court or Commissioner for the summary trial of Small Causes, that they have reason to believe and do believe that alcoholic or intoxicating Liquor intended for sale or barter are kept or deposited in any steamboat or other vessel, or in any carriage, or vehicle, or in any store, shop, warehouse, or other building or place in such Municipality, or on any river, lake or water adjoining the same, by any person not authorised to sell the same under the provisions of this Act, the said Justice, Mayor, Reeve, Police Magistrate, Recorder, Judge or Commissioner shall issue his Warrant of Search to any Sheriff, Police Officer, Bailiff or Constable, who shall forthwith proceed to search the premises or place described in said warrant, and if any alcoholic or intoxicating Liquor be found therein, he shall seize the same and convey them to some proper place of security, and there keep them until final action is had thereon; but no dwelling house in which or in part of which a shop or bar is not kept, shall be searched, unless one at least of the said complainants shall testify on oath to some act of sale of alcoholic or intoxicating Liquor therein or therefrom, within one calendar month of the time of making the said complaint; and the owner or keeper of the Liquor seized as aforesaid, if he shall be known to the Officer seizing the same, shall be summoned forthwith before the Justice or person by whose Warrant the Liquor was 35 40 45 50

Proviso.

Owner summoned.