

not within any Municipality, the fine shall be paid over to such Officer, and be applicable to such purposes as other fines and penalties not specially appropriated.

40. The evidence of any inhabitant of the Municipality or Competency of place interested as aforesaid, shall be admitted in proof of the offence. witnesses.

41. If the fine awarded by the said Justice together with the costs (if ordered) be not paid, either immediately after the conviction, or within such period as the said Justice at the time of the conviction appoints, he may commit the offender to the Common Gaol or House of Correction, there to be imprisoned for any term not exceeding two months, unless such fine and costs be sooner paid. If fine not paid, offender may be committed.

42. If the Justice, upon the hearing of any such case, deems the offence not proved, or finds the assault or battery justified, or so trifling as not to merit any punishment, he shall dismiss the complaint with or without costs in his discretion, and shall forthwith make out a certificate under his hand, stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint has been preferred. When the Justice may dismiss the case.

43. If costs be ordered upon such dismissal, and such costs be not paid immediately or within such period as such Justice, at the time of the dismissal appoints, he shall issue his warrant to levy the amount thereof within a certain time to be in the said warrant expressed, and in case no distress sufficient to satisfy the amount of such warrant can be found, he shall commit the party ordered to pay the costs to the Common Gaol of the District, County or Division, where the offence was alleged to have been committed, there to be imprisoned for any term not exceeding ten days, unless such costs be sooner paid. Costs. 4, 5 V. c. 27, s. 27. How enforced.

44. If the person against whom such a complaint has been preferred for a common assault or battery, obtains such certificate as aforesaid, or having been convicted, pays the whole amount adjudged to be paid under such conviction, or suffers the imprisonment awarded for non-payment thereof, he shall be released from all further or other proceedings, civil or criminal, for the same cause. 4, 5 V. c. 27, s. 28. After being punished and acquitted no second prosecution to take place.

45. In case the Justice finds the assault or battery complained of to have been accompanied by any attempt to commit felony, or is of opinion that the same is, from any other circumstance, a fit subject for a prosecution by indictment, he shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as he would have done, had no such summary jurisdiction been conferred upon him. 4, 5 V. c. 27, s. 30. The Justice may deal with aggravated assaults as if no summary jurisdiction had been conferred.