

tion by this Act created, prescribed, and imposed, shall be liable, upon summary conviction, to a fine of not less than five dollars and not more than three hundred dollars:

- (1.) Any intoxicated person or person under the influence of intoxicating liquor who shall drive a motor upon or along any highway shall be liable, upon summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months, or to a fine of not more than three hundred dollars, or to both. In any prosecution under this subsection it shall not be necessary, in proving that any person was intoxicated or under the influence of intoxicating liquor, to show the nature of the liquor or that any liquor was actually consumed by such person; but the Justice, Magistrate, or other officer trying the case shall draw conclusions of fact from all the circumstances of the case as shown by the evidence adduced before him:
- (2.) Any person who takes or uses without authority a motor without intent to steal the same, or who shall be a party to such unauthorized taking or using, shall be liable upon summary conviction to imprisonment, with or without hard labour, for any period not exceeding six months, or to a fine of not more than three hundred dollars, or to both: Provided that the provisions of this subsection shall be construed to apply to any person or persons employed by the owner of said motor or any one else who, by the nature of his employment, shall have the charge of or the authority to drive said motor if said motor is driven or used without the owner's knowledge or consent:
- (3.) The Justice, Magistrate, or other officer before whom a person is convicted of an offence under this Act shall, if the person convicted holds a license issued under section 21, cause particulars of the conviction to be endorsed upon such license; and such person shall produce the license within a reasonable time for the purpose of such endorsement, and if he fails to do so he shall be guilty of an offence under this Act."

39. Every such penalty shall be recoverable by distress and sale of the goods and chattels of the person against whom the same is adjudged and on whom the same is imposed; and in default of payment and in default of distress, every such penalty shall be enforced by imprisonment, with or without hard labour, for any period not exceeding six months. 1911, c. 36, s. 39.

40. Any information for or in respect of any offence against the provisions of this Act shall be laid before the expiration of thirty days from the time of the happening of such offence. 1911, c. 36, s. 40.

Information and Evidence.

41. The description of any offence under this Act in the words of this Act, or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; but if it be so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. 1911, c. 36, s. 41.

42. In any prosecution under this Act, whenever it appears that the defendant or accused has done any act or has been guilty of any act or omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed; and in any prosecution of any person in charge or control of any motor, or of the owner of such motor, for any offence against the provisions of this Act occurring, or alleged to have occurred, whilst such motor was in motion on any highway, such person or owner shall be deemed to have been driving and using such motor at an unlawful rate of speed until the contrary be proven.

43. The production of a license which, on its face, purports to be duly issued, and which, were it duly issued, would be a lawful authority to the defendant accused of an act or omission, shall be prima facie evidence that the defendant accused is so authorised; and in all cases the signature to any instrument purporting to be a valid license shall prima facie be taken to be genuine. 1911, c. 36, s. 43.