

5. When any person is charged on the oath of one credible witness before any one Justice of the Peace, with any offence against this Act, such Justice may summon the person charged to appear at a time and place to be named in such summons; and if he do not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally) any two Justices of the Peace for the County where the offence is alleged to have been committed, may either proceed to hear and determine the case ex-parte, or issue their warrant for apprehending such person, or any one of the said Justices may, if he thinks fit, without any previous summons, issue such warrant. 3 V. c. 14, s. 2.

Any one justice may summon the party accused.

And in default of appearance.

6. Such Justices may summons witnesses, either in support of the prosecution or for the defendant; and if any person having been personally summoned to attend as a witness, neglects or refuses to attend, or fails to shew some reasonable excuse for his non-attendance, he may be fined for such non-attendance by the Justices assembled to try the offence, in any sum not exceeding five pounds, to be enforced in manner and form mentioned in the last preceding Section. 3 V. c. 14, s. 4.

Power to summon witnesses.

7. In default of payment of any fine imposed under the authority of this Act, together with the costs attending the same, within the period specified for the payment thereof at the time of the conviction by the Justices before whom such conviction takes place, such Justices may issue their warrant, directed to any Constable, to levy the amount of such fine and costs of the goods of the offender within a certain time, to be in the said warrant expressed; and in case no distress sufficient to satisfy the amount can be found, they may commit the offender to the Common Gaol or House of Correction of the County wherein the offence was committed, for any time not exceeding one calendar month, unless the fine and costs be sooner paid. 3 V. c. 14, s. 5.

In default of payment of fines and costs.

Offender may be committed.

8. No conviction under this Act shall be quashed for want of form, and no warrant of committal shall be held void by reason of any defect therein, if it be alleged that the party has been convicted, and there is a good and valid conviction to sustain the same. 3 V. c. 14, s. 3.

No conviction or committal to be quashed for want of form.

#### GAOLS TO BE HOUSES OF CORRECTION.

9. Until separate Houses of Correction are erected in the Several Counties in Upper Canada, the Common Gaol in each County respectively shall be a House of Correction; and every idle and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to a House of Correction, shall, unless otherwise provided by law, be committed to the said Common Gaols respectively. 50 G. 3, c. 5.

Until houses of correction shall be erected, the Common Gaols in each respective district are constituted Houses of correction.