

## PROCEDURE.

- Recovery of penalties. **116.** Every penalty incurred under this Act shall be recoverable, with costs, by summary conviction, on the evidence of one credible witness, on complaint or information before one justice of the peace; and in case of non-payment of the penalty immediately after conviction, the convicting justice may commit the person so convicted and making default in payment of such penalty and costs, to the common jail of the territorial division for which the said justice is then acting, or to some lock-up house situate therein, for a term not exceeding forty days when the penalty does not exceed twenty dollars, and for a term not exceeding sixty days when it exceeds that sum. 5
- Imprisonment if not paid.
- Prosecution against officer. **117.** No prosecution against an officer of the Militia for any penalty under this Act or under any regulation shall be brought, except on the complaint of the officer for the time being commanding the Militia. 15
- Prosecution against man. 2. No prosecution against any man in the Militia for any penalty under this Act or under any regulation made under the authority thereof, shall be brought except on the complaint of the Commanding Officer or Adjutant of the corps or Captain of the company or corps to which such man belonged; but the officer for the time being commanding the said corps or company may authorize any officer of Militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the officer commanding the said corps or company; and no such prosecution shall be commenced after the expiration of six months from the commission of the offence charged unless it is for unlawfully buying, selling or having in possession arms, accoutrements or other articles belonging to the Crown or corps, or for desertion. 20
- Proviso. 22
- Within what time. 30
- Recovery of sums payable to Crown. **118.** Every sum of money which any person or corporation is, under this Act, liable to pay or repay to the Crown, or which is equivalent to the damages done to any arms or any other property of the Crown used for military purposes, shall be a debt due to the Crown, and may be recovered as such. 35
- Where actions may be brought. **119.** Every action and prosecution against any officer or person, for anything done in violation of this Act or of any regulation made under the authority thereof, shall be laid and tried in Quebec in the district, and in the other provinces in the county, where the act complained of was done, and shall not be commenced after the end of six months from the violation, except as hereinbefore provided: and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial; and no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into court by the defendant after the action was brought; provided, that in the latter case, the plaintiff may in the discretion of the court receive his costs of action down to the time of such payment into court. 40
- General issue. 45
- Tender of amends.
- Proviso, as to costs. 50