

ty, by imprisoned, with or without hard labour, in any Common Gaol within their jurisdiction for a period not exceeding three months. Provided always, that in all cases of complaint made by or on the behalf of any Seaman under this Act, the evidence of such Seaman shall be received and taken, notwithstanding that he may be interested in the matter; Provided also, that such Seaman shall not in any such case where he shall have been so examined, receive any part of any penalty to be imposed, but only such sum as the Magistrate before whom the case shall be heard shall adjudge him to receive for any monies or effects which shall appear to have been deposited by him with any such person as aforesaid.

Proviso.

Proviso.

XXXVII. It shall also be lawful for such Justices, if they shall deem it expedient in the event of such penalty and costs not being immediately paid, to appoint some future day for the payment thereof, and to order the offender to be detained in safe custody until the day so appointed, unless such offender shall give security to the satisfaction of such Justices for his or her appearance on such day; and such Justices are hereby empowered to take such security by way of recognizance or otherwise at their discretion; and if at the time so appointed such penalty shall not be paid, it shall be lawful for the same or any other Justice of the Peace, by warrant under their hands and seals, to commit the offender to the Common Gaol or House of Correction within their jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication; such imprisonment to cease on payment of the said penalty and costs.

Justices may grant time for payment of penalty.

And may take security.

Commitment if penalty be not paid at time appointed.

XXXVIII. In all Informations and Complaints for the prosecution of offences against this Act, several counts for the same offence, and several offences under the same section, similar in their nature and only constituting different categories of the same offence, may be included, provided the time and place of the commission of each offence be alleged; and the Information or Complaint may be amended before plea to the merits in any matter of form or substance, upon motion in writing of the complainant, setting forth the required amendment, but without obliterating or altering the original pleading; and if the amendment be allowed, the Defendant, if he require it, may have a further delay to plead to the merits, or for plea and proof as it may be ordered; if the pleading, in the opinion of the Justice, be so defective either in form or substance, that a legal conviction cannot be based upon it, and be not amended or reformed, the Justice may dismiss the case, the whole with or without costs in his discretion.

Several counts may be inserted in complaints.

Amendments allowed.

Pleadings.

XXXIX. And be it enacted, that the Justices before whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require, (that is to say :)

Form of conviction under this Act.