

XVI. *And be it enacted,* That all penalties imposed by this Act for offences against the same, may be sued for and recovered by the Collector or other Officer of Her Majesty's Customs, or by any person commissioned for that purpose by the Governor, by bill, plaint, or information, in any Court of Record in this Province, or before two or more Justices of the Peace for the County in which the offence shall have been committed, or cause of complaint shall have arisen, or in which the offender or party complained against shall happen to be; and upon complaint being made in a case over which two Justices have jurisdiction as aforesaid, before any one Justice of the Peace, he shall issue a summons, requiring the party offending or complained against to appear on a day, and an hour, and place, to be named in such summons; and every such summons shall be served on the party offending or complained against, or shall be left at his last house, place of residence, or business, or on board any Ship to which he may belong, and either upon the appearance or default to appear by the party offending or complained against, it shall be lawful for any two or more Justices to proceed summarily upon the case, and either with or without any written information; and upon proof of the offence, or of the Complainant's claim, either by confession of the party offending or complained against, or upon the oath of one or more credible witnesses, (which oath such Justices are hereby authorised to administer,) it shall be lawful for such Justices to convict the offender, and upon such conviction, to order the offender or party complained against to pay such penalty as the Justices may declare to have been incurred, and also to pay the costs attending the information or complaint; and if, forthwith, upon any such order, the monies thereby ordered to be paid be not paid, the same may be levied, together with the costs of the distress and sale, by distress and sale of the Goods and Chattels of the party ordered to pay such monies—the surplus, if any, to be returned to him upon demand; and any such Justices may issue their Warrant accordingly, and may also order such party to be detained and kept in safe custody until return can be conveniently made to such Warrant of Distress, unless such party give security to the satisfaction of such Justices for his appearance before them on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if it shall appear to such Justices, by the admission of such party, or otherwise, that no sufficient distress can be had whereon to levy the monies so adjudged to be paid, they may, if they think fit, refrain from issuing such Warrant of Distress in such case; or if such Warrant shall have been issued upon the return thereof, such insufficiency shall be made to appear to the Justices, or any two or more of such Justices as aforesaid, then such Justices shall, by Warrant, cause the party ordered to pay such monies and costs as aforesaid, to be committed to Jail, there to remain without any bail for any term not exceeding Three Months, unless such monies and costs ordered to be paid, and such costs of distress and sale, as aforesaid, be sooner paid and satisfied.

Recovery and Application of Penalties, &c.

XVII. *And be it enacted,* That where any distress shall be made for any Penalty, Monies, or Costs, to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, *ab initio*, on account of any irregularity which shall be afterwards committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damages in an action upon the case.

Irregularity in distress.

XVIII. *And be it enacted,* That it shall be lawful for the Governor in Council, in any port or place in this Province, where no Officer of the Customs is situate, to appoint and commission a fit and proper person, or agent, who shall be thereby empowered to carry out and enforce the provisions of this Act.

Appointment of Agent where no resident Officer of Customs.

XIX. *And it be enacted,* That the Act made and passed in the Sixth Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act relating to Passengers arriving in this Province; and also the Act passed in the Seventh

Acts 6 & 7, Victoria, repealed.