

XIX. And be it enacted, that all penalties imposed by this Act may be sued for and recovered, with costs, on oath of one credible witness other than the prosecutor, in a summary manner, before any two justices of the peace in the city of Quebec, or in the city of Montreal; and such justices may commit the offender to the common gaol of the district until such penalty and costs shall be paid; and one moiety of every such penalty shall belong to Her Majesty, her heirs and successors, and shall be paid into the hands of the Receiver-general, to be applied to the purposes to which the other moneys levied under the authority of this Act are hereby appropriated, and the other moiety shall belong to the prosecutor.

How penalties under this Act shall be recovered and applied.

XX. And be it enacted, that upon complaint being made in any 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 at 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 place of residence or business, or on board any vessel 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 at least one credible witness other than the prosecutor (which oath such justices are hereby authorized to administer), it shall be lawful for the justices to convict the offender, and upon such conviction, to order the offender or party complained against, to pay such penalty as is imposed by this Act, according to the nature of the offence, and also to pay the costs attending the information or complaint; and if forthwith upon such order the moneys 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 moneys, the surplus, if any, to be returned to him upon demand; and any such justices may issue their warrant accordingly, and may order also such party to be detained and kept in safe custody until return can conveniently be made to such warrant of distress, unless such party shall give security to the satisfaction of such justices for his appearance before them on the day appointed for such return, such day or days not being more than three 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 moneys 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, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justices, or to any two or more of such justices, then such justices shall, by warrant, cause the party ordered to pay such monies and costs as aforesaid, to be committed to gaol, there to remain without 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: Provided always, that such imprisonment in the case of a master of any vessel shall not discharge the said vessel from the lien or liability attached thereto by the provisions of this Act.

Mode of proceeding in cases of contravention of this Act.

What proof shall be sufficient.

Costs allowed.

Penalty how levied.

Detention of the defendant in certain cases.

He may be committed to gaol for want of sufficient distress.

Proviso.

XXI. And be it enacted, that no conviction or proceeding under this Act shall be quashed for want of form, or be removed by appeal or *certiorari* or otherwise into any of Her Majesty's superior courts of record within this province; and no warrant of commitment shall be held void by reason of any defect therein, provided it be thereby alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Proceedings not to be removed or quashed for want of form.

XXII. And be it enacted, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance (if any) remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver-general, and that every such account shall be supported by vouchers therein distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the 1st day of December in each year during which such expenditure shall be made, and shall be attested before a justice of the Court of Queen's Bench, or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account, within 15 days next after the expiration of the said period respectively.

Accounting clause.

XXIII. And be it enacted, that the due application of the monies received for the public uses of the province under the authority of this Act, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, and in such manner and form as Her Majesty, her heirs and successors shall direct; and that a detailed account of all such monies shall be laid before the several branches of the Provincial Legislature within the first 15 days of the next session thereof.

Due application clause.

XXIV. And be it enacted, that the word "Master," whenever used in this Act, shall be held to apply to any person in command of a vessel; the word "Vessel" shall include all ships, vessels or craft of any kind carrying passengers; the word "Passengers" shall apply to emigrants usually and commonly known and understood as such, and not to troops or military pensioners and their families who are carried in transports or at the expense of the Imperial Government; the word "Quarantine" shall apply to Grosse Isle, or other places at

Interpretation clause.