

shall exceed the sum of Ten Pounds, shall be a misdemeanor punishable by fine or imprisonment or both in the discretion of the Court before which the offender shall be convicted.

Proceedings  
before Justices  
of the Peace  
on complaints  
under this  
Act.

XXVII. And be it enacted, That upon complaint being made in any case over which two Justices have jurisdiction as afore- 5  
said, 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 10  
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 sum-  
marily upon the case, and either with or without any written 15  
information, and upon proof of the offence or of the complain-  
ant'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 20  
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 25  
thereby ordered to be paid, be not paid, the same may, be  
levied, together with the costs of the distress and sale, by dis-  
tress 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 30  
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 35  
not being more than three days from the time of taking such  
security ; but if it shall appear to such Justices by the admis-  
sion 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 40  
of Distress in such case, or if such Warrant shall have been  
issued, and upon the return thereof such insufficiency as afore-  
said 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 moneys and costs as afore- 45  
said, to be committed to Gaol, there to remain without bail  
for any term not exceeding three months, unless such moneys  
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 50

Levying Pe-  
nalties, &c.

Imprisonment  
of offender in  
certain cases.