

NOVA SCOTIA.

pay over the balance (if any) to the owner, if present, and in his absence to the master or commander of such vessels.

XIV. And be it enacted, That it shall be lawful for the Governor in Council, on the arrival of any ship or vessel at any port or place in this province with passengers or immigrants, and liable to the quarantine or head money by the second section of this Act imposed, to relieve the owner, charterer, captain, or agent of said ship or vessel from the payment of the said quarantine or head money in whole or in part, as to the said Governor in Council as aforesaid may appear just and reasonable, and on such terms as they may think it necessary to impose.

XIV. And be it enacted, That this Act shall not be construed to apply to any person in or on board of any such ship or vessel arriving with passengers or immigrants as aforesaid, who shall have been born or domiciled in this province, nor to any resident or inhabitant of the United States, or any of the colonies of British North America, who come to this province only for a temporary purpose, whether of pleasure or of business, and who have a *bona fide* intention of returning to their place of residence, and shall make the same appear to the satisfaction of the collector, or other officer of the Customs, as aforesaid.

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 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.

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, or 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.

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.

XIX. And be it 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 year of her present Majesty's reign, in amendment thereof, and every matter, clause, and thing in the said respective Acts contained, shall be, and the same are hereby repealed.

XX. And be it enacted, That this Act shall continue and be in force for one year, and thence to the end of the then next session of the General Assembly.