

immigrants in such vessel; or if the master of any such vessel during such voyage commits any breach whatsoever of the contract for the passage made with any immigrant by such master, or by the owner of such vessel, such master or such one of the crew shall, for every such violation or breach of contract, be liable to a penalty not exceeding one hundred dollars and not less than twenty dollars, independently of any remedy which such immigrants complaining may otherwise have.

63. Every person who violates any provision of this Act, or of any order in council, proclamation or regulation in respect of which violation no other penalty is provided by this Act, shall incur a penalty not exceeding one hundred dollars. For contraventions not otherwise provided for.

RECOVERY OF PENALTIES.

64. Every duty or penalty imposed under the authority of this Act upon the owner, charterer or master of any vessel shall, until payment thereof, be a lien upon any vessel of the company or owner or charterer in respect whereof it has become payable, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the magistrate or court before whom it has been sued for, and shall be preferred to all other liens or hypothecations except mariners' wages. Duties and penalties not to be lien on vessel.

2. Every penalty imposed under the authority of this Act upon a railway company shall, until payment thereof, be a lien or charge upon the railway property, assets, rents and revenues of such company. Penalty imposed on railway company to be lien on railway.

PROCEDURE.

65. Every prosecution for a penalty under this Act may be instituted at the place where the offender then is, before any justice of the peace having jurisdiction in such place, and may be recovered, upon summary conviction, at the suit of any immigration agent, and the penalties recovered shall be paid into the hands of the Minister of Finance and Receiver General and shall form part of the Consolidated Revenue Fund of Canada. The justice of the peace may award costs against the offender as in ordinary cases of summary proceedings, and may, in the case of an owner, charterer or master of a vessel, also award imprisonment for a term not exceeding three months, to terminate on payment of the penalty incurred, and may, in his discretion, award any part of the penalty, when recovered, to the person aggrieved by or through the act or neglect of such offender. Where prosecution may be brought. Costs.

66. If it appears to the justice, by the admission of such person or otherwise, that no sufficient distress can be had whereon to levy the moneys so adjudged to be paid he may, if he thinks fit, refrain from issuing a warrant of distress in the case, or, if such Proceedings when there is no sufficient distress.