

who issued such summons, upon their own knowledge of the default and without other information or trial.

*How penalties under this Act shall be levied and collected.*

V. All and every penalty and penalties imposed under authority of this Act, and all costs attending proceedings had in virtue hereof, shall be levied and collected by distress and sale, in the discretion of the Justices making the conviction and adjudging such penalty or penalties, of such vessel, boat, scow, or other craft or raft, as may have been attached and detained in manner hereinbefore provided, or by distress and sale of any goods and chattels belonging to the party or parties convicted, or if necessary, by distress and sale of such vessel, boat, scow, or other craft or raft, and such goods and chattels, in the manner pointed out for the levying and collecting of a pecuniary penalty or compensation to be paid, in and by the Act of Parliament of this Province, passed in the sixteenth year of Her Majesty's reign, and intituled "An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, in Upper Canada, with respect to summary convictions and orders," and in default of sufficient distress being found to satisfy such penalty or penalties and costs, or if any part thereof shall not be satisfied, it shall be lawful for the Justices making the conviction or adjudging such pecuniary penalty or compensation to be paid, or any two of them, to commit the person or persons convicted of the offence, or against whom such penalty or compensation to be paid shall be adjudged, to the common gaol of either of the said Counties of Lincoln or Welland, for any period not exceeding thirty days.

*Committal in case of non-payment.*

*Application of such penalties.*

VI. All pecuniary penalties or compensation to be paid which shall be recovered under authority of this Act, shall, in case the bridge or bridges in respect of which the same shall be recovered, be situate wholly within the County of Welland, be immediately paid over by the Justice or Justices recovering the same to the Treasurer of the said County of Welland; and in case such bridge or bridges are situated partly within the County of Welland and partly within the County of Lincoln, then the one half thereof shall be paid over as aforesaid, to the said Treasurer of the County of Welland, and the other half thereof to the Treasurer of the said County of Lincoln, and shall form part of the general funds of said Counties respectively.

*Costs to defendant in case of malicious complaint.*

VII. If it shall appear to any such Justices, upon the trial of any such information and complaint, that the same has been made from malicious motives, it shall be lawful for such Justices to award to the defendant or defendants full costs, and to levy and collect such costs from the complainant or complainants by distress and sale of his and their goods and chattels, and in default of finding sufficient distress to satisfy the same, the said Justices shall and may commit the complainant or complainants to the common gaol of either of the said Counties of Lincoln or Welland, for any period not exceeding thirty days, unless such costs and the costs of such distress be sooner paid; And further, if it shall appear on any such trial, to the satisfaction of such Justices, that the damage done to such bridge or bridges arose from inevitable cause or causes which the defendant or defendants could not control, then it shall be lawful for such Justices to take the circumstances thereof into consideration in making their conviction or order, and to abate such sum from the actual damage done, as to them shall seem just and equitable; And in cases where any such vessel, boat, scow or other craft or raft, shall have been

*Abatement if the damage was inevitable.*

*Release of vessel, &c., detained.*