

XXV. And be it enacted, that the monies raised, levied, and received under the authority of this Act, shall be applied by such officers or persons and under such rules and regulations as the Governor of this province shall appoint and make from time to time for that purpose, as well in defraying the expenses of carrying this Act into effect and those of forwarding destitute emigrants to their place of destination and in otherwise aiding, relieving, and providing for them, as in defraying the expenses of medical attendance and examination of destitute emigrants on their arrival; and that it shall be lawful for the Governor in Council to apply any surplus which may now or shall hereafter remain out of the said monies or those raised under the Acts hereby repealed, after defraying the expenses aforesaid, in aid of any charitable institution affording relief to destitute emigrants and their children.

XXVI. And be it enacted, that all penalties imposed by this Act or by any regulation to be made by the Governor in Council under the provisions of this Act, and not exceeding twenty pounds in amount, shall be sued for by any collector of customs or by the chief emigration agent at the port of Quebec or of Montreal, and recovered with costs on the 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 all penalties so imposed as aforesaid and exceeding the sum of twenty pounds, may be recovered by civil action by any such officer as aforesaid on like evidence in any court of competent jurisdiction; 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 monies levied under the authority of this Act are hereby appropriated, and the other moiety shall belong to the prosecutor: Provided always, that every offence against the provisions of this Act or any regulation made under the authority thereof, the penalty imposed for which by this Act or any such regulation, 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.

XXVII. 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 of 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, or by any such regulation as aforesaid, 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 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 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 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 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, 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.

XXVIII. 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.

XXIX. And be it enacted, that every person to whom shall be entrusted the expenditure of any portion of the moneys hereby appropriated, shall make up detailed accounts