

XLVI. All fines and forfeitures imposed by this Act, which shall be lawfully imposed by any By-law to be made in pursuance thereof, (of which By-law when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall upon proof of the offence before any one or more Justice or Justices of the Peace, for any of the Districts through which the said Canal shall pass, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness, (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels by warrant under the hand and seal or hands and seals of such Justice or Justices, and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or receiver of the moneys to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Canal or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of levying and recovering thereof shall be rendered to the owner of the goods so distrained and sold; for want of sufficient goods and chattels whereof to levy, the said offender shall be sent to the common gaol for any of such Districts, there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty and forfeiture and all expenses attending the same shall be sooner paid and satisfied.

Fines under this Act how to be recovered.

Levy by distress and sale of goods and chattels.

Imprisonment for want of sufficient chattels.

XLVII. If any person or persons shall think himself or herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District.

Persons aggrieved may appeal to general sessions.

XLVIII. If any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in the case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be non-suited, or discontinue his, her or their action or suit, after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

Limitation of actions for things done in pursuance of this Act.

General issue

Costs to defendant if plaintiff fail.

XLIX. Any contravention of this Act by the said Company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment

Any contravention of this Act not other-