

so acting as aforesaid may hear and determine the Case, either with or without any written Information or Complaint; and upon Proof of the Offence, or of the Complainant's Claim, (as the Case may be,) either by Confession of the Party offending or complained against, or upon the Oath of One or more credible Witness or Witnesses (and the Justices are hereby authorized to summon and swear any Witnesses who may be deemed necessary), it shall be lawful for such Justices so acting as aforesaid to convict the Offender, or adjudicate upon the Complaint (such Conviction or Adjudication to be drawn up according to One of the Forms of Conviction or Adjudication contained in the Schedule (K.) hereto annexed, or as near thereto as the Circumstances of the Case will admit,) and upon every such Conviction to order the Offender to pay such Penalty as they may think proper, not exceeding the Penalties herein-before imposed, and upon every such Adjudication to order the Party complained against to pay to the Party suing for the same the Sum of Money sued for, or so much thereof as such Justices shall think the Complainant justly entitled to, together with, in every Case, the Costs of the proceedings; and if the Moneys and Costs mentioned in such Conviction or Adjudication be not paid immediately or within the time limited thereby, it shall be lawful for any Two of such Justices so acting as aforesaid, by Warrant, (and although the Written Order of Conviction or Adjudication, or any Minute thereof, may not have been served,) to cause the Party offending to be committed to Goal, there to be imprisoned, with or without Hard Labour, according to the Discretion of such Justices, for any Term not exceeding Three Calendar Months, unless such Moneys and Costs be sooner paid and satisfied: Provided always, that in all Proceedings taken under this Act for which no Form is herein expressly provided, it shall be lawful to use Forms similar, as nearly as circumstances will admit, to those contained in the Schedule to an Act passed in the Session of Parliament holden in the Eleventh and Twelfth years of the Reign of Her present Majesty, Chapter Forty-three.

LXXIV. Every Police or Stipendiary Magistrate, and in Scotland every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry within his own County or Stewartry, shall have such and the like Powers, Privileges, and Functions, and be entitled to exercise such and the like Jurisdiction under this Act, as any Justice or Two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the Provisions of this Act; and all Acts, Matters, and Things competent to be done under the Provisions of this Act by or before any Justice or Two Justices of the Peace, or Justices at Petty Sessions, or otherwise, may be done by and before any Police or Stipendiary Magistrate, and in Scotland by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry.

LXXV. No Objection shall be taken or allowed to any Complaint, Information, Summons, or Warrant under this Act, for any alleged Defect therein, either in Substance or in Form, or for any Variance between such Complaint or Information and the Evidence adduced on the Hearing thereof; but if any Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or

they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit the Defendant to such safe Custody as the said Justice or Justices may think fit, or to discharge him upon his Recognizance, with or without Sureties, to appear at such Time and Place as may be appointed: No Conviction, Order, Adjudication, or other Proceeding under or in pursuance of this Act shall be quashed or vacated for Want of Form.

LXXVI. All Penalties imposed by this Act shall, when recovered, be paid to the Party at whose Suit the same shall have been recovered, for the Use of Her Majesty and Her Successors, and if recovered in the Colonies shall be paid over by the Party receiving the same into the Colonial Treasury, and shall form Part of the general Revenue of the Colony, and if recovered in the United Kingdom shall be paid over to the Colonial Land and Emigration Commissioners if the Party at whose Suit the same shall have been recovered be an Emigration Officer, or his Assistant, and to Her Majesty's Commissioners of Customs if the Party at whose Suit the same shall have been recovered be an Officer of Customs, to be by such Colonial Land and Emigration Commissioners and Commissioners of Customs respectively duly accounted for; and all such Penalties as may be recovered in the United Kingdom shall be appropriated to such Purposes and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may from Time to Time direct and appoint: Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such Penalty at the same Time to direct, if they shall think fit, that a Part, not exceeding One Moiety thereof, be applied to compensate any Passenger for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty or Forfeiture shall have been imposed.

LXXVII. If in any Suit, Action, Prosecution, or other legal Proceeding under this Act, any Question shall arise whether any Ship was or was not exempted from the Provisions of this Act, or any of them, the Burden of proving that such Ship was so exempted shall lie on the Party claiming the Benefit of the Exemption, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Ship did come within the Provisions of this Act; and it shall not be necessary, in any Information, Complaint, or other Process or Proceeding, to negative any Exemption, Proviso, or Condition contained in any Section of this Act on which such Information, Complaint, or other Process or Proceeding shall be framed, neither shall it be necessary for the Complainant to prove the Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same.

LXXVIII. If in any Proceeding before any Justice or Justices of the Peace under this Act, or upon any Action, Suit, or other Proceeding whatsoever, against any Person, for anything done either contrary to or in pursuance of this Act, a Question should arise whether any Person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, *viva voce* Evidence may be given of such Fact by the Officer himself, and shall be deemed legal and sufficient Evidence.

LXXIX. Any Passenger suing under this Act for any Sum of Money made recoverable by this Act as Passage Money, Subsistence Money, or Compensation, shall not be deemed an incompetent Witness in any Proceeding for the Recovery thereof, not-