

C A P. XXXIII.

An Act for the more speedy remedy of divers abuses, prejudicial to Agricultural Improvement and Industry in this Province, and for other purposes.

(9th March, 1824.)

Preamble.

WHEREAS divers trespasses, wrongs and abuses, prejudicial to Agricultural Improvement, prevail in this Province, for the remedy of which the existing Laws have not provided, or are insufficient ;—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, “ An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, “ *An Act for making more effectual provision for the Government of the Province of Quebec in North-America,*” “ and to make further provision for the Government of the said Province,”— And it is hereby enacted by the authority of the same, that from and after the passing of this Act, no person or persons shall carry away, break down or injure any fence, or any part of a fence, on any land or ground belonging to any other person or persons, or on the boundary thereof, or cut down, bark, or otherwise destroy any tree or trees, bushes or shrubs of any kind or description whatsoever, without the leave of the proprietor or occupier first had and obtained, on pain of a fine of not less than five shillings, currency, or more than thirty shillings, currency, for each and every offence, if such offence shall have been committed in the day time, and double the amount for each offence, if it shall have been committed in the night time, over and above all damages which the party injured may be entitled to, or obtain on a civil suit.

Penalty on persons destroying fences, &c.

Justice of the Peace empowered to issue his Warrant against such persons.

H. And be it further enacted by the authority aforesaid, that it shall be lawful for any one of His Majesty's Justices of the Peace, upon complaint made upon oath before him, to issue his Warrant for the apprehension of any person or persons offending as aforesaid, and forthwith summarily to hear and determine such complaint, and cause to be levied the fine or fines, to which such offender or offenders may be adjudged, or in default commit such offender till the fine is paid, or for a period not exceeding fifteen days.

III.

Mode of proceeding against persons having dogs that have bitten any person, horses, &c.

III. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any one Justice of the Peace, on complaint made before him, that any Dog belonging to or kept by any person, or in or about the premises of such person, has bitten any Person, Horse, horned Cattle or Sheep, or is distempered, or has run at or upon any Horse with a rider upon him, any Horse in a Carriage upon the high road, after hearing such complaint in a summary way to order, in writing, under his hand, the owner or harbourer of such Dog, to confine or cause to be confined during forty days the Dog so complained of, under a penalty on the owner or harbourer of such Dog, for every day the said Dog may afterwards be at large, before the expiration of the aforesaid forty days, not exceeding two shillings, currency, *per diem*.

Mode of proceeding against persons having horses having broken down fences, &c.

IV. And be it further enacted by the authority aforesaid, that it shall be lawful for any one Justice of the Peace, on complaint before him, that any person or persons has or have any vicious Horse or Horses, Cattle or other live stock, to him, her, or them belonging, on his, her, or their premises, describing such Horses, Cattle, or live stock, as nearly as may be, which Horse or Horses, Cattle or other live stock, have broken down or overleaped sufficient fences, have run at or injured any person or gored or injured any live stock on any farm or on the highway, after hearing such complaint in a summary manner, to order the Horse or Horses, Cattle, or other live stock, so complained of and described, to be fettered, confined or shackled so as to be disabled thereafter to commit further damage, under a penalty on the owner or possessor thereof, of one shilling, currency, *per diem*, for every day during that season, that the Horse or Horses, Cattle or live stock so complained of may thereafter remain unfettered, unshackled or at large. Provided always, that if the complaint shall relate to any stallion above eighteen months old, or Ram left unfettered, unshackled or at large as aforesaid, the penalty shall not be less than two shillings and six-pence, currency, nor more than five shillings, currency, *per diem*, as above prescribed.

Mode of proceeding against persons having stallions running at large on the King's Highway.

V. And be it further enacted by the authority aforesaid, that any person or persons owning or keeping one or more stallion or stallions, who shall allow such stallion or stallions to run at large on the King's highway, or in any field not belonging to or in the occupation of any such person or persons, or in any Common in any of the Country Parishes, Seigniories or Townships in this Province, shall incur a penalty and forfeiture not exceeding the sum of five shillings, currency, nor less than two shillings and six-pence, current money aforesaid, for every such offence.

Penalty on persons allowing rams to run at large.

VI. And be further enacted by the authority aforesaid, that any person or persons owning or keeping one or more Ram or Rams, who shall suffer the same to be at large, or at pasture, otherwise than in a well-fenced field or fields belonging to or in the occupation of any such person or persons, among Ewes or other Sheep, in any of the Country Parishes, Seigniories or Townships, at any time between the first of June, and the first of December, of each and every year, shall incur a penalty and forfeiture not exceeding the sum of five shillings, current money of this Province, nor less than two shillings and six-pence, like current money aforesaid, for every such offence.

Fence Viewers and Inspectors of drains to be chosen for the repair of fences and for clearing of drains.

VII. And whereas Cattle often cause great damage in breaking into the enclosures of Proprietors or Occupiers of Land, by reason of the bad condition of the fences maintained by Proprietors of the adjoining Lands ; and whereas also great inconveniences and losses result from the neglect to repair, clear, scour, and keep in order division ditches or drains, water courses and discharges of water, whereby it is expedient to provide a summary remedy for difficulties arising therefrom ;—Be it therefore further enacted by the authority aforesaid, that it shall be the duty of the Inhabitants, Freeholders, in every Parish, Seignior or Township in this Province, to elect for the purposes of this Act, at the same time and with the same formalities as are by the Laws actually in force prescribed for the Election of Overseers of highways, a fit and proper person being a Freeholder, to be a fence Viewer and Inspector of drains for every division in each and every Parish, Seignior or Township in this Province, wherein such Overseers are, or by Law ought to be elected.

Duty of fence viewers and inspectors of drains.

VIII. And be it further enacted by the authority aforesaid, that it shall be the duty of every fence Viewer and Inspector of drains, as often as he may thereunto be required in his division, by any Proprietor or Occupier of any Land consisting of more than one-half acre in superficies, to visit and examine the Line Fences dividing Lands appertaining to different Proprietors or Occupiers giving previous notice of the day and hour when such examination will take place, either in person or at the domicile of the party against whom complaint shall have been made, and such fence Viewer and Inspector of drains shall decide whether the fence complained of is sufficient, and if the fence of the party against whom the complaint shall have been made, be declared insufficient, then the party found in default shall repair the same within a delay to be fixed by such fence Viewer and Inspector of drains, not exceeding four days thereafter, in such manner as the said Fence Viewer and Inspector of drains shall direct, under a penalty of two shillings, currency, per day, for each and every day the same shall, after the expiration

Proviso.

piration of the time fixed remain unrepaired Provided always, that no fence shall be judged insufficient when the same shall not be of a worse quality than any part of the fence made and maintained by the party complaining, on the same line or boundary and in a like situation and on the same field or enclosure ; and provided also; that the provisions of this clause shall not apply to any new fence which shall be made where there existed none such previously, unless the party against whom the complaint shall have been brought, have been required to make such fence before the tenth of December preceding the complaint.

Fence Viewers
and Inspectors of
drains to lay out
and inspect the
line of ditches &c.
ordered to be laid
out.

Penalty.

IX. And be it further enacted by the authority aforesaid, that it shall also be the duty of each Fence Viewer and Inspector of drains as often as he shall be thereunto required, to lay out the line of ditches, drains and water-courses necessary to be made between two or more Proprietors or Occupiers of Land, and to inspect all ditches, drains or water-courses which shall require to be repaired or scoured in his division, and also to determine the person or persons subject to make, repair, scour and keep in order such line, ditches, drains or water-courses, and the manner thereof as he may judge equitable and conformable to established usage and existing Laws, and to order and see that they shall be so made, scoured, repaired and kept in order, and every Proprietor as aforesaid refusing or neglecting to make, repair, scour or keep in order any ditch or water-course, according to the directions of such Fence Viewer and Inspector of drains, within four days after notice to that effect to him signified, in writing, shall incur a penalty of two shillings, currency, for each and every day thereafter, that such line, ditch, drain, or water-course shall remain without being so made, repaired, scoured, or put in order as aforesaid.

Fence Viewers
and Inspectors to
examine the dit-
ches and drains.

Penalty.

X. And be it further enacted by the authority aforesaid, that it shall also be the duty of such Fence Viewer and Inspector of drains, to visit and examine as often as he may be required in his division, every ditch, drain, water-course or discharge of water common to several or any number of Proprietors or Occupiers of Land, the works whereof may have been regulated either by a *Procès Verbal* duly homologated, or by an agreement among the parties concerned, and to see if the same be done conformably to such *Procès Verbal* or agreement, and to order that they be made, repaired, or put and kept in order pursuant to such *Procès Verbal* or agreement ; and every person refusing or neglecting so to do according to the directions of such Fence Viewer and Inspector of drains within four days after notice to that effect to him signified, in writing, shall incur a penalty of two shillings, currency, per day, for each and every day thereafter that such work shall remain undone.

Duty of Fence Viewers and Inspectors in cases where it may be necessary to open and clear water-courses or discharge of water common to several Proprietors.

Penalty.

XI. And be it further enacted by the authority aforesaid, that in cases where it may be necessary to open or clear any water-course or discharge of water common to several Lands, which if left uncleared or obstructed might occasion damage by the sudden or gradual accumulation of waters to the neighbouring Proprietors, it shall be the duty of the Fence Viewer and Inspector of drains at the request of any person concerned to give notice, either in person or at their domiciles, to the several Proprietors or Occupiers interested in the opening and clearing of such water-course or discharge of water, of the day and hour when he will visit and examine the water-course or discharge of water complained of, and to visit and examine the same, and to determine what ought to be done in and about the same, for the common benefit of the parties interested, and to apportion the share of labor which each and every person therein interested ought to contribute thereto, and the time within which the same ought to be done by the several persons concerned and interested in the same; and every person who within a time not exceeding four days after notice, in writing, to that effect, as above-mentioned, shall refuse or neglect to comply with the directions of such Fence Viewer and Inspector of drains, shall incur a penalty of two shillings, currency, per day, for each and every day thereafter, that such work shall remain undone.

Persons neglecting to perform what may be required by the Fence Viewers and Inspectors, the work may be directed to be done at the expense of the parties complained.

XII. And be it further enacted by the authority aforesaid, that if at the expiration of the periods above-mentioned the party complained of and in default, shall not have done the work ordered to be done at such fence, drain ditch, water course or discharge of water, it shall in such case be lawful to the said Fence Viewer and Inspector of drains, to cause the same to be done at the proper costs, charges and expense of the party complained of and in default, which costs, charges and expenses, as well as the penalty for the neglect or refusal hereby imposed, shall be recoverable in a summary way before any Justice of the Peace, and shall be levied by Warrant under the hand and seal of the Justice of the Peace before whom the recovery shall have been sued, and by seizure and sale of the goods and chattels of the party so complained of and in default, provided that the value of such works shall in no case exceed the sum of four pounds, currency.

In cases of convictions, execution suspended if party signifies to the Justice of the Peace his intention to appeal to Court of King's Bench.

XIII. Provided always, and be it further enacted by the authority aforesaid, that execution shall, in every case where any conviction shall take place pursuant to the eighth, ninth, tenth, eleventh and twelfth Sections of this Act, be suspended if the party in default and convicted shall, within eight days after conviction, give notice to the Justice of the Peace before whom the conviction shall

shall have been made, that he intends to appeal therefrom to the next ensuing term of the Court of King's Bench for the District, but if such appeal be not then effectually prosecuted, execution shall thereafter issue, as if no such notice had been given.

Duty of the senior officer of militia for the choosing of fence viewers and inspectors of drains

XIV. And be it further enacted by the authority aforesaid, that it shall, from and after the passing of this Act, be the duty of the senior Captain of Militia, in each and every Parish, Seigniorly or Township in this Province, to hold a meeting of the Inhabitants being Freeholders therein, after previous reasonable notice to that effect in their several Parishes, Seigniories and Townships for the purpose of choosing and electing for the several divisions in their respective Parishes, Seigniories or Townships, fit and proper persons to serve as Fence Viewers and Inspectors of drains pursuant to this Act, who being chosen and elected, shall serve as such until replaced by an election of others to replace them as herein above-mentioned; and in case of death or removal of any Fence Viewer and Inspector of drains, from the Parish, Seigniorly or Township for which he may have been elected, it shall be the duty of the senior Captain of Militia aforesaid, to cause an election of another Fence Viewer and Inspector of drains to be made with all convenient speed in the manner aforesaid, who shall serve until replaced by another Fence Viewer and Inspector of Drains, as herein before-provided.

Penalty of fence viewers & inspectors neglecting their duty.

XV. And be it further enacted by the authority aforesaid, that any Fence Viewer and Inspector of drains who being chosen and elected as herein above-provided, shall neglect or refuse forthwith to enter upon and do the duties of his office, pursuant to this Act, shall incur a penalty of two pounds, ten shillings, currency.

Fence viewers and inspectors of drains to take an oath for the faithful discharge of their duty.

XVI. And be it further enacted by the authority aforesaid, that it shall be the duty of each and every person chosen and elected to be a Fence Viewer and Inspector of drains, previous to entering upon the duties of his Office, to make oath before a Justice of the Peace that he will well and truly to the best of his knowledge, skill and understanding, and without fear, favor or affection for any person or persons whomsoever, execute the duties of office of a Fence Viewer and Inspector of drains pursuant to an Act passed in the fourth year of His Majesty's Reign, intituled, "An Act for the more speedy remedy of divers abuses prejudicial to Agricultural Improvement and Industry in this Province, and for other purposes;" and that he will to the best of his judgement in all cases, impartially

impartially determine and decide as to right and justice solely it may appertain, which oath any Justice of the Peace is hereby authorised to administer.

Penalty on fence viewers and inspectors of drains for neglect of duty.

XVII. And be it further enacted by the authority aforesaid, that every Fence Viewer and Inspector of drains shall for every disobedience or neglect to attend to the duties by this Act upon him imposed when thereunto required, incur a forfeiture and penalty of ten shillings, currency, to be sued for and recovered as herein provided.

In cases of relationship between fence viewers and inspectors of drains, duties to be performed by the nearest fence viewers and inspectors.

XVIII. And be it further enacted by the authority aforesaid, that in case of relationship or connexion (*alliance*) within the degree of Cousin German, inclusively between the Fence Viewer and Inspector of drains and either of the parties complaining or complained of, or in case the Fence Viewer and Inspector of drains shall himself be interested, his duties shall be performed by the nearest Fence Viewer and Inspector of drains not related nor connected (*ni allié*) to either of the said parties to the degree aforesaid, nor interested.

In cases of complaint, an appeal allowed.

XIX. And be it further enacted by the authority aforesaid, that in case the party complaining or complained of, shall be dissatisfied with the decision or order of the Fence Viewer and Inspector of drains, an appeal shall forthwith lie to the nearest Magistrate, not being interested therein whose decision or order shall be final, unless the party thinking himself aggrieved, shall appeal to the Court of King's Bench for the District and effectually prosecute his appeal at the next ensuing Superior Term thereof, as herein above prescribed.

Certain allowances granted to fence viewers and inspectors of drains.

XX. And be it further enacted by the authority aforesaid, that the Fence Viewer and Inspector of drains, when employed in virtue of this Act, shall be allowed, and shall be entitled to have and recover at the rate of six-pence per hour, for each and every hour he may be necessarily so employed from the person or persons found to be in the wrong, or in default, whether it be the party at whose instance he may be called or the adverse party, to be sued for and recovered in a summary way before any Justice of the Peace.

Manner of proceeding for the destroying of noxious weeds.

XXI. And whereas the seeds of noxious weeds growing on the land or ground of one Proprietor, are frequently driven by the winds, and otherwise conveyed upon the lands and grounds of the adjoining Proprietors, where they germinate and grow, to the great damage of such adjoining Proprietors, and to the discouragement

discouragement of improvements in agriculture ;—Be it further enacted by the authority aforesaid, that it shall be lawful for any Proprietor, or Occupier of Land, at any time between the twentieth day of June and tenth day of August in each year, by verbal notice, in the presence of one witness, or by notice in writing, left at the *domicile* of the person to whom it may be addressed, to require any Proprietor or Occupier of any adjoining Land or piece of ground, not then in crop, or meadows in crop, to destroy or cut down all such noxious weeds, to wit ; those commonly called *marguerites*, also ranuncules, commonly called, *marguerites jaunes* and thistles, as may be then growing on such adjoining land or piece of ground, the Proprietor or Occupier of land giving such notice, having himself first destroyed or cut down all such weeds on his own fields or grounds adjoining ; and if the weeds so required, to be destroyed or cut down, are not entirely destroyed or cut down at the expiration of six days from the date of such notice, then it shall be lawful for any Justice of the Peace upon complaint duly made before him, and the oath of one credible witness other than the complainant, or on the confession of the party complained of, to order, in writing, the Proprietor or Occupier against whom such complaint shall be made, to destroy or cut down such weeds within a period to be assigned by such Justice of the Peace, under a penalty on such Proprietor or Occupier, of two shillings and six-pence for every day that such weeds shall remain standing or growing, from and after the expiration of the time assigned for so doing.

Duty of surveyors and overseers of highways to cut down noxious weeds.

XXII. And be it further enacted by the authority aforesaid, that it shall be the duty of the Surveyors and Overseers of Highways, within the time limited in the foregoing clause, to cause to be destroyed or cut down, by the persons bound to make and keep in repair the highways and roads in their respective divisions, all weeds growing on highways or roads, in their whole width to the fences inclosing such highways or roads, under the penalties on the said Surveyors and Overseers, and persons bound to make and keep in repair the said highways and roads, as provided in the Acts now in force for neglect or default in keeping such highways and roads in repair, and recoverable in the same manner.

Justices of the Peace to hear and determine in a summary manner all complaints against any rule provided by any law in force to that effect concerning appraisals.

XXIII. And be it further enacted by the authority aforesaid, that any two Justices of the Peace in any of the Country Parishes, Seigniories or Townships in this Province, are hereby authorised and empowered, and may take cognizance of, hear, try and determine all causes and complaints against any of the rules, orders or regulations provided in virtue of any Law in force to that effect concerning;

ces. &c. as enacted by statute 57, Geo. 3, cap. 16.

concerning Apprentices, Domestics, hired Servants or Journeymen, or their Masters or Mistresses, in a summary manner, as enacted by a Statute of the fifty-seventh year of the Reign of His Majesty George the Third, intituled, "An Act more effectually to provide for the regulation of the Police in the Cities of Quebec and Montreal and the Town of Three-Rivers, and for other purposes therein-mentioned."

Establishment of pounds for confining stray horses and other cattle.

XXIV. And whereas the establishment of Pounds for receiving and confining stray Horses, Neat Cattle Sheep, Goats and Hogs, until claimed by the owners, would be of essential service in the Cities, Towns, Villages, Country Parishes and Townships in this Province;—Be it therefore enacted by the authority aforesaid, that it shall be lawful for the Justices of the Peace, at any of their weekly sittings, in either of the Cities of Quebec or Montreal, to authorise the erection and establishment, in some convenient place in or near their respective Cities, of a Pound for impounding or confining all Horses, Neat Cattle, Sheep, Goats, and Hogs, found trespassing on individuals or straying in the public roads; and such Pound to place under the care and direction of some fit and proper person, who shall be accountable for his conduct in the care and direction of such Pound to the Justices of the Peace in their weekly sittings, and be liable to be by them removed and replaced by another, from time to time, as occasion may require; and the expense of erecting and establishing such Pound, shall be borne by the said Cities respectively, and shall be taken from and out of the Public Funds of the same, raised by assessment therein, provided the said expense do not exceed twenty-five pounds, currency.

Mode to be appointed for the establishment of such pounds.

XXV. And be it further enacted by the authority aforesaid, that any three Inhabitants, being Freeholders, in the Town of Three-Rivers or in the Borough of William Henry, or of any Village in this Province, consisting of not less than thirty inhabited houses within the space of at least fifteen acres in superficies, may require any Justice of the Peace or Captain of Militia, to call a meeting of the Inhabitants being house-holders, in such Town, Borough or Village, for the purpose of considering and determining whether it be expedient to erect and establish therein a Pound for the purpose aforesaid; and if at such meeting, (which shall not be held sooner than six days after public notice to that effect) it shall be determined by a majority of persons present at the meeting, that such Pound shall be erected and established, the same may be erected and kept by the Overseer of highways residing within such Town, Borough or Village, or in case of his refusal so to do, by any other person willing and offering to erect at his own proper costs and charges such Pound, and to keep the same. XXVI.

When pound is erected, overseers of highways to keep the same.

XXVI. And be it further enacted by the authority aforesaid, that any three Inhabitants being Freeholders in any division of any Parish, Seignior, or Township, may require the Overseer of Highways in their respective divisions, to call a meeting of the Inhabitants, householders therein, after notice as aforesaid, to consider and determine whether it be expedient to erect and establish a Pound for such division for the aforesaid purposes, and if at such meeting it shall be determined by a majority of persons present at the meeting, that such Pound shall be erected and established, the same may be erected and kept by the Overseer of Highways for such division, or in case of his refusal, by any other person willing and offering to erect the same at his own proper cost and charges, and who, when erected, shall keep the same for the purposes hereof.

And all stray cattle to be impounded.

XXVII. And be it further enacted by the authority aforesaid, that when and as soon as any Pound shall be erected and established as aforesaid, pursuant to this Act, all Horses, Horned Cattle, Sheep, Goats or Hogs, taken trespassing on the premises of Individuals or straying on the public Highway in the City, Town, Borough, Village, Parish, Seignior or Township for which such Pound is erected and established, shall, by the person or persons having taken the same trespassing or straying as aforesaid, within twenty-four hours after his taking the same, under a penalty of five shillings, currency, in case of contravention, be conducted to and confined in such Pound and there remain until the owner or owners thereof shall claim the same, and pay and deposit the fine by Law incurred with reasonable charges of maintaining such Horses, Horned Cattle, Sheep, Goats or Hogs during the time they shall have been detained in such Pound, one half of which fine with the full expense of maintaining as aforesaid, shall go to the keeper as an indemnity for erecting, keeping and maintaining such Pound, and the other half to the person or persons impounding or causing such Horses, Horned Cattle, Sheep, Goats or Hogs as aforesaid to be impounded, any Law, Statute or Ordinance to the contrary thereof in any wise notwithstanding. Provided always, that all and every the provisions of a certain Act or Ordinance passed in the thirtieth year of the Reign of his late Majesty George the Third, intituled, "An Act or Ordinance for preventing Cattle from going at large, or *l'abandon des Animaux*," with respect to Cattle, shall also be extended to Horses and Hogs.

Penalty.

Provisions contained in act or ordinance of 30, Geo. 3, cap. 4, extended to horses and hogs.

Horses, &c. impounded to be restored to the lawful owner, on paying the fine and sum expended for the keeping of the same.

XXVIII. And be it further enacted by the authority aforesaid, that any person having erected or keeping a Pound as aforesaid, who on tender or deposit of the fine incurred as aforesaid, with a sum sufficient to defray the reasonable expenses

denses of maintemance of the Horses, horned Cattle, Sheep, Goats or Hogs, impounded during the time that they may have been impounded, shall refuse to deliver the same to the lawful owner thereof, or to any person demanding the same on his behalf, shall, for each refusal, incur a penalty not exceeding ten shillings, currency, and five shillings, currency, per day, for every day thereafter he shall wrongfully detain such Horse, Horned Cattle, Sheep, Goats or Hogs.

Horses and
cattle impound-
ed, keeper of the
pound to have the
same cried at the
church door of the
place where tak-
en.

XXIX. Provided always, and be it further enacted by the authority aforesaid, that it shall be duty of every keeper of a Pound, in which any Horses, Horned Cattle, Sheep, Goats or Hogs shall be impounded or confined, to cause the same to be cried and proclaimed at the Church door of the place where taken, in the manner and as provided and ordained by the said Act or Ordinance above recited.

Manner of pro-
ceeding against
rogues and vaga-
bonds.

XXX. And whereas the public are often imposed upon by rogues and vagabonds, who sometimes obtain Certificates by craft and surprise from persons charitably disposed, of illness, infirmity and misfortunes, and who under false pretences, go about seeking alms, being at the same time able to work for a livelihood; and whereas also, children are frequently found begging publicly, whereby they acquire and grow up in incorrigible habits of idleness, vice and immorality, to the great detriment of Agriculture and of Industry, to the scandal of the public authorities, and to the diminution of alms-giving and charity to objects really worthy of the same;—For remedy whereof, be it therefore further enacted by the authority aforesaid, that any person or persons hereafter found publicly begging in any of the Country parts of this Province, with or without a pass or certificate, and apparently able to work, or any infant of either sex over five years of age, in like manner found publicly begging, shall be liable to be apprehended by any person or persons, and to be forthwith conducted before any one of the nearest Justices of the Peace for examination, and if upon examination of such person or infant, and upon inquiry into the complaint or matter against him or her alleged by the oath of any two credible witnesses (which oath any Justice of the Peace is hereby authorised to administer) it shall appear proper and expedient, such Justice of the Peace may, with the advice and consent of any two officers of Militia and of any other four respectable Freeholders of the vicinity, hire out in his own neighbourhood, to any person or persons willing to hire such person, if such person be of lawful age of majority, on the terms the most favorable for such person, that can be obtained, the services of such person, being of lawful age as aforesaid, for any time that may be agreed upon, not exceeding one year; and also with the like advice and consent, such Justice of the Peace may bind out as an apprentice, any infant above

five

five years of age found begging as aforesaid, (having a due regard to the capacity and disposition of such infant, whether for a trade or for husbandry, as well as to the morals and reputation of the person to whom such Infant may be bound out) until he or she attained the the full age of majority or is married, with the consent of the Justice of the Peace having bound out such infant or of some other Justice of the Peace in case of his death, or removal from the District; and during the time of service or apprenticeship of any person or infant as aforesaid, the Justice of the Peace having hired or bound out such person or infant shall hear and redress all complaints by the person or infant he may have so hired or bound out, as well as by their Masters and Mistresses, with respect to such person or infant, and be accountable that the earnings of such person or infant be duly applied or saved for his use. Provided always, that before binding out any infant as aforesaid, it shall be the duty of such Justice of the Peace to offer him or her to the nearest of any other relative, such infant may have in the Parish, Seigniorly, Township, or other place adjacent to that where such infant may have been found begging and been apprehended, known to such Justice of the Peace, and who being willing to take such infant as an apprentice, may be capable of maintaining or employing such infant, until of lawful age or married as aforesaid, such relative undertaking, that such infant shall not thereafter during his or her minority or apprenticeship be again found begging.

Proviso.

Owners liable to be prosecuted for damages done by horses, &c. straying at large.

XXXI. Provided also, and be it further enacted by the authority aforesaid, that nothing herein-above contained, shall, in any wise, be construed to deprive any person from recovering, in due course of Law, such damages from the owner as he shall have sustained by any Horses, Horned Cattle, Sheep, Goats or Hogs, allowed to stray or go at large by such owner or owners thereof.

Preceding clause to be publicly read.

XXXII. And be it further enacted by the authority aforesaid, that the preceding clause or section shall be publicly read by or under the direction of the Senior Captain of Militia in each and every Parish or Seigniorly or Township in this Province, in which there is a Church, immediately after the forenoon service, on some Sunday in the Month of July, every year during the continuance of this Act.

Fines and penalties, how recoverable.

XXXIII. And be it further enacted by the authority aforesaid, that all fines, penalties and forfeitures imposed and incurred for offences against this Act, not otherwise

otherwise provided for, shall be sued for and recovered on the oath of any one credible witness other than the prosecutor or informer, or by the confession of the Defendant, before any one Justice of the Peace for the District wherein the offence shall have been committed, and shall be levied by Warrant under the hand and seal of the Justice of the Peace before whom the conviction of such offence or offences may be had, and by seizure and sale of the Goods and Chattels of the offender, the surplus of monies levied upon the sale of such Goods and Chattels being returned to the offender, after the amount of the fine and costs of distress shall have been satisfied.

Limitation of actions.

XXXIV. And be it further enacted by the authority aforesaid, that all fines, penalties and forfeitures that may be incurred against this Act, shall be sued for within one month next after the Commission of the offence and not afterwards.

Justice of the Peace not allowed fees, except a compensation for a clerk.

XXXV. And be it further enacted by the authority aforesaid, that no Justice of the Peace acting in obedience to or in pursuance of this Act, shall be entitled to exact any fees or emoluments whatever in any case or under any pretext unless such as shall by him be deemed a fair compensation for any Clerk or person who shall be necessarily employed by any such Justice, to enable him to fulfill his duties pursuant to this Act, nor shall any such Clerk or person be in any case entitled to any greater sum than five shillings, currency, including all his trouble in drawing a summons and copy thereof, making Subpœnas and copies thereof, recording the conviction, making a Warrant pursuant to such conviction, with all the other incidental trouble and writing in any prosecution under this Act, nor shall any Bailiff, Constable or Peace Officer employed in pursuance of this Act, be entitled to any greater sum by way of mileage than one shilling, currency, for every league he may necessarily travel in the execution of his duty (distance in returning not to be counted) nor any greater sum than one shilling, currency, for every service of a Summons or Subpœna; nor any greater sum than seven shillings and six-pence, currency; for executing any Warrant of Distress, and levying any fine or penalty not exceeding in the whole in any one suit thirty-five shillings, currency, including the expenses for Witnesses pursuant to this Act, all which shall be allowed and taxed by the Justice of the Peace before whom the prosecution shall have taken place, and the said allowances shall be in lieu of and cover all expenses of prosecution, nor shall any other fees or charges be on any account exacted, taken or received in respect of any prosecution under this Act, than such as are herein above-authorized.

XXXVI.

Penalty on taking a false oath. XXXVI. And be it further enacted by the authority aforesaid, that every person who shall be convicted of having wilfully taken a false oath in any case wherein a Justice of the Peace, in the due fulfilment of his duties pursuant to this Act, may deem it necessary to administer an oath or examine thereupon, shall incur the pains and penalties by Law provided against wilful and corrupt perjury.

To whom the fines, &c. imposed, are to be paid. XXXVII. And be it further enacted by the authority aforesaid, that the fines, penalties and forfeitures imposed and levied under and by virtue of this Act, after payment of one moiety of the same to the Prosecutor or Informer, shall be paid to the Surveyor of highways and bridges for the time being, of the Parish, Seignior or Township in which the offences shall have been committed, to be employed by them in the making and repairs of roads of such Parish, Seignior, or Township in such way as may be ordered, at any meeting of the Surveyor and Overseers of the same who shall account for the due application of such fines, penalties and forfeitures to the Inhabitants, when and as often as they shall meet for the purpose of electing according to Law, any Overseer or Overseers.

Application of the money to be accounted for to His Majesty. XXXVIII. And be it further enacted by the authority aforesaid, that the due application of all monies raised under and in virtue of this Act, shall be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form, as His Majesty, his heirs and successors shall direct.

Continuance of this act. XXXIX. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, in the year of Our Lord one thousand eight hundred and twenty-six, and no longer.

CAP. XXXIV.

An Act to grant a certain sum of money therein-mentioned, towards aiding the Society of Education of Quebec.

(9th March, 1824.)

MOST GRACIOUS SOVEREIGN.

Preamble. **W**HEREAS the Institution of the School established by the Society of Education for Quebec, is extremely beneficial to the Public, and that it would, therefore, be expedient to appropriate a certain sum of money towards enabling