

person before whom the declaration above required shall be made, and such passport, when given, shall specify the place to which it is meant to extend; and allow a reasonable time for such Alien or other person as aforesaid to proceed thither, who, upon his arrival there or within three hours thereafter, shall produce such passport to a Justice of the Peace or to such other person as shall be appointed for that purpose by the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, and every Alien or other person of any such description as aforesaid, who shall wilfully neglect or refuse to make declaration of the aforesaid particulars, or either of them, or who shall knowingly make any false declaration thereof, or shall otherwise act contrary to any of the requirements or obligations hereby imposed, shall, for every such offence, be apprehended by the warrant of any one of his Majesty's Justices of the Peace of the District in which such Alien or other person as aforesaid shall be found, and committed to the Gaol of such District, and on conviction before any two or more of his Majesty's Justices of the Peace for any District of this Province, shall be imprisoned for any time not exceeding one month.

Governor, &c.
empowered to de-
tain Aliens, &c.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by warrant under his hand and seal issued by and with the advice of his Majesty's Executive Council, to order any Alien to be detained in custody in this Province in such place and in such manner as the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, shall see fit during the continuance of this Act, or until such Governor, Lieutenant Governor or person administering the Government of this Province for the time being, shall give other order to the contrary. Provided always, that no Alien shall be so imprisoned, unless it shall, by the advice of the said Executive Council, be declared in such warrant that it is dangerous to the security of this Province to send and transport such Alien out of the limits thereof.

Proviso

C A P. XII.

AN ACT for the better Regulation of the Fisheries in the inferior District of Gaspé, and to repeal an Act or Ordinance therein mentioned.

(16th. April, 1807.)

Preamble,

WHEREAS the Fisheries have ever been found beneficial to the Trade of the mother country, as well as of great importance to her Colonies; and Whereas the Laws now in force to regulate the said Fisheries within the inferior District of Gaspé have

Fishing permitted within certain limits in the District of Gaspé.

Proviso.

have been found insufficient: in order to ameliorate and amend the same, 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 Québec in North America,*" and to make further provision for the Government of the said Province;" And it is hereby enacted by the said authority, that all and every his Majesty's subjects shall peaceably have use and enjoy the freedom of taking bait and of fishing in any river, creek, harbour or road with liberty to go on shore on any part within the inferior District of Gaspé, between Cap Cat on the South side of the river Saint Lawrence and the first Rapid of the River Ristigouche within the said District, and on the Island of Bonaventure opposite to Percé, for the purpose of salting, curing and drying their fish, to cut wood for making and repairing stages, flakes, hurdles, cook-rooms and other purposes necessary for preparing their fish for exportation, or that may be useful to their fishing trade, without hindrance, interruption, denial or molestation from any person or persons whomsoever. Provided such river, creek, harbour or road, or the land upon which such wood may be cut doth not lie within the bounds of any private property by grant from his Majesty or other title proceeding from such grant by his Majesty, or by grant made prior to the year one thousand seven hundred and sixty, or held under and by virtue of any location certificate or title derived from any such location certificate.

Masters &c. of vessels belonging to the United Kingdom of Great Britain and Ireland may take possession of the unoccupied beach, and cure there fish thereon.

Not to take possession of private property.

New occupier to pay to the preceding possessor for the flakes and stages he may take possession of.

Preceding possessor not having been paid, may remove the buildings or improvements made by him.

II. And be it further enacted by the authority aforesaid, that the master or commander of every vessel fitted out from the United Kingdom of Great Britain and Ireland, or the Dominions thereunto belonging, may take possession of so much of the unoccupied beach within the aforesaid inferior District of Gaspé, as may be necessary for curing his fish and preparing it for exportation, and to retain and enjoy the same so long as he shall not leave it unoccupied for the space of twelve Calendar months, in which case it shall be lawful for any other person or persons to take possession thereof in part or the whole, for the same purposes and on the same condition. Provided that such beach be not private property by grant from his Majesty, or other title proceeding therefrom, or by grant prior to the year one thousand seven hundred and sixty, or held under and by virtue of any location certificate or title derived therefrom. Provided also, that such new occupier shall, when thereunto required by the preceding possessor or his lawful attorney, such demand being made within one year after possession taken, pay him for such part of the flakes and stages, as such new occupier shall have taken possession of. And provided further, that the said preceding possessor not having been paid as aforesaid may remove any building or other improvements erected or made by him on the unoccupied beach as aforesaid, so that such removal be not made during and before

fore the close of the fishing season in which the new occupier shall have taken possession.

Penalty on persons throwing ballast &c. into the rivers, harbours &c. in the district of Gaspé.

III. And be it further enacted by the authority aforesaid, that no ballast or any thing else injurious or hurtful to any of the rivers, harbours or roads within the said District of Gaspé, shall be thrown out of any vessels, or discharged into any stream, basin or road, but that the same shall be carried on shore, and deposited where no public or private injury may be sustained thereby, nor shall any person or persons throw any fishcuts, offals or gurry overboard, within the distance of four leagues from the shore and islands of the inferior District of Gaspé aforesaid, under the penalty of Ten Pounds, Current money of this Province.

Penalty on persons casting anchor near the shore, so as to obstruct the hauling of seines and setting of nets.

IV. And be it further enacted by the authority aforesaid, that no person or persons shall cast anchor near the shore, or do any thing within the aforesaid limits, so as to annoy or obstruct the hauling of Seines or setting of Nets, under the penalty of Two Pounds, current money of this Province, for every such offence, exclusive of such damages as may be recovered at Law, by the proprietor or proprietors of the Seines or Nets which may be thereby injured or destroyed.

Governor empowered to appoint Cullers and Inspectors of fish.

V. And be it further enacted by the authority aforesaid, that it may be lawful for the Governor, Lieutenant Governor or person administering the government of this province, for the time being, from time to time, to appoint one or more capable person or persons to be Cullers and Inspectors of Fish in and for the said inferior District of Gaspé, and each of the Cullers and Inspectors so appointed shall, if already commissioned under the authority of an Ordinance passed by the Governor and Legislative Council, in the twenty eighth year of his Majesty's Reign, take and subscribe the Oath herein directed, and if appointed under the authority of this Act, such Culler or Inspector shall, before he enters upon the execution of his office, take and subscribe the same oath before any one of His Majesty's Justices of the Peace for the District aforesaid, which oath such Justice is hereby authorized and required to administer in the words following, "I, A, B, do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgement, skill and understanding, execute, do and perform the duties of the Office of an Inspector of Fish, according to the true intent and meaning of the Act of the Legislature of this Province, under the authority of which this Oath is now administered to me, So help me God." And the said Oath so taken and subscribed, shall be filed in the Clerk's office of the Provincial Court of the inferior District of Gaspé aforesaid, there to remain of record.

Cullers and Inspectors to take an Oath.

The Oath.

Penalty on persons shipping wet

VI. And be it further enacted by the authority aforesaid, that no person or persons

fish without inspection for exportation after the 1st May, 1808.

Duty of the Inspector
6s.

Inspector's fee.

If the casks are found unfit for shipping, proprietor to pay for new casks.

Disputes how to be settled.

Penalty on masters of vessels bound to any port without the limits of the inferior District of Gaspé, receiving wet fish without being first branded.

sons shall, after the first day of May one thousand eight hundred and eight, ship wet Fish of any kind, packed in casks to be exported to any port or place without the limits of the said inferior District of Gaspé, before he or they shall have submitted the same to the view and examination of an Inspector of Fish, appointed or to be appointed as aforesaid, under the penalty of Ten Shillings, current money of this Province, for every cask so shipped without being previously inspected, and the said Inspector shall open the casks, and carefully examine the Fish therein contained, and all such as he shall find sound and good, well packed and oiled in water tight casks, sufficiently hooped and coopered, he shall, after heading them up and putting them in fit and good order for exportation, brand with a marking iron, on one of the heads thereof in legible characters, his name and the year in which he examined the same, and for his trouble in opening, examining, repacking, heading up and branding as aforesaid, he shall receive, from the person or persons who employed him, One Shilling and Three Pence like money, for every tierce or barrel, and Nine Pence, like money, for every smaller cask. Provided always, that if any of the casks so examined shall, in the opinion of the said Inspector, be unfit for shipping, the further cooperage thereof, or the new cask or casks, as the case may be, shall be paid for by the proprietor or possessor of such fish.

VII. Provided always, And be it further enacted by the authority aforesaid, that if any dispute shall arise between any such Inspector and the possessor of any wet fish as aforesaid, respecting the quality thereof, upon application to any of the Justices of the Peace of and for the said District of Gaspé, such Justice shall, and he is hereby authorized and required to issue a Warrant to three indifferent persons of skill and integrity to view such wet fish, one of the said persons to be named by the Inspector, another by the possessor of such fish, and the third by the said Justice, which three persons shall be duly sworn carefully and impartially to re-examine the said fish, and make report as soon as conveniently may be, of the quality thereof; And the said Justice is hereby empowered and required to give judgment agreeable to the report of the said viewers or any two of them, to direct the said wet fish to be branded conformably to such report, and to order the costs and charges of re-examination to be paid by the Inspector, so far as the report of the viewers shall differ from his judgment thereon, and the remainder by the possessor or owner thereof.

VIII. And be it further enacted by the authority aforesaid, that no master or commander of any vessel bound to any port or place without the limits of the aforesaid inferior District of Gaspé, shall, after the first day of May one thousand eight hundred and eight, receive on board his said vessel any wet fish packed as aforesaid, without being branded as herein before directed, under the penalty of Ten

No vessels to be cleared out, unless the master shall make oath that he has no casks containing wet fish but what has been branded.

Ten Shillings, current money of this Province, for each cask so received on board, and no vessel bound to any such port or place as aforesaid, shall, after the said first day of May one thousand eight hundred and eight, be cleared out from any of his Majesty's ports within the said inferior District of Gaspe, unless the master or commander thereof shall have previously made oath before the Collector or other proper Officer of his Majesty's Customs, which oath the said Officer is hereby authorized and required to administer, "That he has no casks containing wet Fish of any kind on board of his said vessel, but what are branded as herein before directed." And in case any master or commander of any such vessel shall wilfully make a false oath touching the matters aforesaid, and being thereof lawfully convicted, he shall be liable to the pains and penalties of wilful and corrupt perjury, by the Statute passed in the fifth year of Queen Elizabeth.

Penalty on taking a false oath.

Penalty on persons counterfeiting the brand of the Inspector of fish.

IX. And be it further enacted by the authority aforesaid, that if any person or persons shall counterfeit the brand of any Inspector of Fish, or stamp the same upon any cask or casks of Fish, or if any person or persons shall empty any cask or casks of Fish stamped as aforesaid, and shall put other Fish therein to be exported without having previously taken out the Brand, the person or persons so offending, and being duly convicted of either of the aforesaid offences, shall pay a fine not exceeding Fifty Pounds current money of this Province, to be recovered by bill, plaint or information, or by action of debt, in his Majesty's Court of King's Bench for the District of Quebec, or in any other manner authorized by this Act, upon the testimony of one or more credible witness or witnesses, other than the informer; and in case the offender shall not have sufficient goods and chattles, lands and tenements whereon to levy such Fine, it shall and may be lawful for the Justices of the said Court of King's Bench, or for any other jurisdiction deriving authority under this Act, to cause the said offender to be committed to the common Gaol of the District, there to remain, without bail or mainprize, for a term not exceeding six months.

Penalty on Inspector for neglect of duty.

X. And be it further enacted by the authority aforesaid, that if any Inspector of Fish commissioned as aforesaid, not then employed according to the duties prescribed by this Act, shall, on application on lawful days and at reasonable hours to him made for the examining and inspecting of Fish as aforesaid, refuse, neglect or delay to proceed during the space of twenty four hours to such inspection, such Inspector so refusing, neglecting or delaying shall, for every such offence, forfeit the sum of Forty Shillings current money of this Province, over and above the damages occasioned by such refusal or neglect to the party applying.

Differences between sellers and purchasers of dried

XI. And it being necessary to provide against differences which sometimes arise between sellers and purchasers of dried Cod-fish: Be it enacted by the authority aforesaid,

Cod-Fish, how determined.

said. that in all cases where any differences shall arise touching the quality of such dried Cod-fish between sellers and purchasers, such difference shall be determined by an Inspector of Fish appointed as aforesaid, who shall cull and inspect the same, and for every quintal of dried Fish so culled and inspected, he shall be intitled to, and receive Three Pence from the person or persons applying for such inspection.

Penalty on persons killing salmon after 15th August to 1st December, or buying or receiving from the Indians salmon.

XII. And be it further enacted by the authority aforesaid, that, from and after the passing of this Act, it shall not be lawful for any person or persons to catch or kill any Salmon by any means or in any manner whatsoever, from and after the fifteenth day of August in every year, to the first day of December inclusive, nor to buy or receive from the Indians any Salmon under pretence of salting it for them, or under any other pretence after the said fifteenth day of August, in every year, nor to buy any such Fish after the said period from any other person or persons whomsoever, under the penalty of Five Shillings, current money, for every Salmon taken, killed or bought in disobedience to the true intent and meaning of this Act. Provided, that nothing in this Act contained shall extend or be construed to extend, to prevent the Indians from catching Salmon for their own and their families use.

Proviso.

Channels of the different rivers to be left open and free of obstruction.

XIII. And whereas it is necessary, for the preservation and improvement of the Salmon fishery, that Salmon be not prevented from passing freely and without obstruction up the different rivers to their spawning recesses: Be it therefore enacted by the authority aforesaid, that, from and after the passing of this Act, every part of the channels of the several rivers within the said inferior District of Gaspé, shall, at all times, be left open and free of every obstruction whatever, and where no channel can be ascertained or described, then one third of the breadth of such river shall be so left open and free, under the penalty of Ten Pounds, current money of this Province, payable by the person or persons who shall cause such obstruction.

Penalty on persons setting nets or hauling seines above the first rapids of the river Ristigouche, or above the first rapids of the river Cascapédia.

XIV. And be it further enacted by the authority aforesaid, that, from and after the passing of this Act, it shall not at any time be lawful for any person or persons to set any Nets or haul any Seine above the first rapids in the river Ristigouche, or above the first rapids in the great river Cascapédia, within the said inferior District of Gaspé, nor shall any person or persons assist the savages directly or indirectly to set any Nets or haul any Seine above the said rapids, under the penalty of Five Shillings, current money, for every Salmon so caught in disobedience to the true intent and meaning of this Act.

Judge of the Provincial Court of Gaspé with two

XV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the judge of the Provincial Court for the inferior District of Gaspé, with

or more Justices of the Peace empowered to meet and frame rules &c. respecting the fisheries.

with two or more Justices of the Peace of the said District, to meet at Carleton in the Bay of Chaleurs, and at Percé in the entry of the Bay of Gaspé, on the first day of each of the General Sessions of the Peace, to be there held yearly in and for the said inferior District of Gaspé, and, if necessary, on such other subsequent days during the said General Sessions, as the said Provincial Judge and Justices shall fix and appoint, and, when so met, to make and frame such reasonable Orders, Rules and Regulations respecting the said fisheries, and all matters and things concerning the same, as may not be repugnant to this Act, nor to any Law of this Province, and as the said Provincial Judge and Justices shall seem meet for the putting better this Act in execution, and more particularly for the governing and regulating all persons who shall fish or dredge in the rivers and streams in the said inferior District of Gaspé, frequented by fish in the spawning season, and to declare in what manner such persons shall demean themselves in fishing, and with what manner of nets and engines, and at what times and season they shall use fishing in the said rivers and streams, and for the preservation, from time to time, of the spawn or fry of fish in the said rivers and streams, and for regulating the manner of placing seines and nets in the havens, rivers, creeks and harbours in the said inferior District of Gaspé, and to annex reasonable penalties and forfeitures for the breach of such orders, rules and regulations, not exceeding the sum of Five Pounds, current money of this Province, for any one offence, and such orders, rules and regulations, from time to time, at such meetings so to be held as aforesaid, to alter and amend, and such new and other orders, rules and regulations touching the matters aforesaid, with such reasonable penalties and forfeitures, (not exceeding Five Pounds currency aforesaid for any one offence,) from time to time to make, as to the Provincial Judge and Justices, in their discretion, shall seem meet, and as in their opinion will most effectually promote the good purposes for which this Act is intended. Provided always, that all such rules, orders and regulations as shall be framed, altered or amended at the meetings to be held by the said Provincial Judge and Justices at Carleton aforesaid, shall have force and effect only in that part of the said inferior District of Gaspé to the westward of Mackarel Point in the Bay of Chaleurs, and the rules, orders and regulations so to be framed, altered or amended at the meetings to be held at Percé as aforesaid, shall have force and effect only in that part of the said inferior District to the eastward of Mackarel Point aforesaid, and the Clerk of the Peace of the said inferior District shall attend such meetings for the purpose of writing down, transcribing and registering such rules, orders and regulations so, from time to time, to be framed, altered or amended as aforesaid, and shall cause a suitable number of copies of the said rules, orders and regulations to be posted up, without loss of time, at the most public places in the different parts of the said inferior District of Gaspé, wherein the same are to have force and effect, and shall furnish and deliver a certified copy thereof to each of the Justices of the Peace for the said inferior District, and shall publish and make known the same in such other manner as the said Provincial Judge and Justices shall think proper and necessary, and shall, from time to time, order which said rules, orders and regulations, when

Provido.

Duty of the Clerk of the Peace.

so

Governor empowered to annul and make void the Rules and Regulations.

so framed, altered or amended, and duly published as aforesaid, shall be binding and obligatory upon all and every person or persons whomsoever, unless and until the same shall be annulled in manner herein after mentioned, and the said Clerk of the Peace shall further cause the said orders, rules and regulations to be printed and published in two successive Quebec Gazettes, in the english and french languages, within six months after the same shall have been framed or altered and amended as aforesaid, and it shall be the duty of the said Clerk of the Peace to transmit, in the months of June and October annually, a copy certified under the hand of the said Provincial Judge, of all such orders, rules and regulations, and amendments or alterations as shall be so made, to the Governor, Lieutenant Governor or person administering the Government of this Province in Council. Provided also nevertheless, that it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by and with the advice of the Executive Council, to order and declare that all, every or any of the Rules, Orders and Regulations so to be made by the said Provincial Judge of the said inferior District of Gaspé, and the said Justices in manner herein before directed, shall be annulled, and be held and considered as null, void and of no effect, and such order and declaration shall render all such Orders, Rules and Regulations null and void at the expiration of two Calendar months next, after such order and declaration shall have been published twice in the Quebec Gazette.

Governor may appoint an Overseer of the Salmon and other Fisheries.

XVI. And whereas the Salmon fishery in the respective rivers of Ristigouche and Great Cascapedia before mentioned, has been of late much injured and nearly destroyed by the injudicious placing of Seines and Nets and other obstructions, thereby preventing and diverting the course of the Salmon in the said rivers and by killing and taking the same at improper seasons, to the great injury of persons residing on the said rivers, and loss to the public; And whereas for enforcing the due observance of such Rules and Regulations as are contained in this Act, or such others as may hereafter be made, under and by the authority thereof, concerning such Salmon fishery, the appointment of an Overseer becomes expedient and necessary: Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor or the person administering the Government of this Province for the time being, to nominate and appoint a fit and proper person to be Overseer of the Salmon and other fisheries in that part of the said inferior District of Gaspé, to the westward of Point Mackarel, with such salary and annual stipend as by the said Governor, Lieutenant Governor or person administering the Government of this Province for the time being, shall be deemed adequate and reasonable, not exceeding the sum of sixty Pounds currency, in lieu of salary and contingencies, and so remove, from time to time, such Overseer, and to appoint another in the place and stead of the one so removed, or who shall die or resign his trust; and it shall be the duty of the said Overseer to enforce the due observance of this Act, and of all and every the Rules, Orders and Regulations to be

Duty of the Overseer.

be established by the authority thereof, within that part of the said inferior District of Gaspé, to the westward of Point Mackarel, and to prosecute the offender or offenders against the same, and the said Overseer so to be named and appointed as aforesaid, for the more effectual and certain discharge of the duties of his said office, shall reside on the north side of the aforesaid river Ristigouche, and shall not be employed, engaged or concerned directly or indirectly in any fishery whatever, within the said inferior District of Gaspé; and it shall also be the duty of the said Overseer to attend the meetings of the Provincial Judge and Justices of the Peace for the said inferior District of Gaspé, to be held at Carleton as aforesaid, and then and there to deliver in a report in writing, and give such other information to the said Provincial Judge and Justices of the state and situation of the Fisheries, and of such abuses as he may have discovered therein, in order that they may be the better enabled to provide against and prevent such abuses by the Rules and Regulations to be by them made under and by the authority of this Act; and the said Overseer shall, before he enters upon the execution of his office, take and subscribe an Oath before the said Provincial Judge, which Oath such Provincial Judge is hereby authorized and required to administer, in the words following: "I, A. B. do solemnly swear, that

" I will diligently, faithfully and impartially, to the best of my skill and understanding, execute, do and perform the duties of the office of Overseer of the Fisheries in that part of the said inferior District of Gaspé, to the westward of Point Mackarel, according to the true intent and meaning of the Act of the Legislature of this Province, intuled, "*An Act for the better Regulation of the Fisheries in the inferior District of Gaspé, and to repeal an Act or Ordinance therein mentioned,*" " so help me God;" And the said Oath so taken and subscribed shall be filed in the Clerk's office of the Provincial Court of the said inferior District of Gaspé, there to remain of record.

Overseer to take an oath.

The Oath,

To be filed in the Clerk's office.

Powers granted to the Overseer.

Proviso.

XVII. And be it further enacted by the authority aforesaid, that the Overseer, so to be named and appointed as aforesaid, shall have power to remove any Net, Seine or other obstruction that shall be found in the aforesaid rivers contrary to this Act, or to the Rules and Regulations to be made by the authority thereof, and if the owner of any such Net, Seine or other obstruction be not known, or can not be found, the overseer shall cause the same to be notified in the most public place nearest to that where such removal shall have been made, and in case no person appears to claim such Seine or Net within ten days after such public notice, the said Net or Seine shall be sold to satisfy the penalty incurred, and the costs of removal and notification, and the surplus, if any there be, shall be deposited in the hands of the Clerk of the Peace for the said inferior District of Gaspé, to be returned to the owner of such Seine or Net, provided he appears to claim the same within one year after such sale; and should he not so appear and claim, such overplus shall go to his Majesty; and any person or persons who shall molest, oppose or disturb the said Overseer in the execution of the duties hereby imposed upon him, such person or persons shall,

Penalty on persons opposing the Overseer.

shall, for every such offence, forfeit the sum of Ten Pounds, current money of this Province.

Fines and penalties how recoverable.

XVIII. And be it further enacted by the authority aforesaid, that the fines by this Act imposed, and the penalties which may be incurred for offences against any of the Rules, Orders and Regulations which shall be established by the authority of this Act, the recovery of which is not already herein before provided for and directed, shall be prosecuted for and recovered in manner herein after mentioned, that is to say, in cases in which the fines, penalties or forfeitures to be imposed under the authority of this Act, shall not exceed the sum of five pounds, the same shall be recovered before any one of his Majesty's Justices of the Peace for the said District, in a summary manner, on proof of the offence, either by voluntary confession of the party or parties accused, or by the oath of one or more credible witnesses or witnessess, other than the informer, except such informer be the Overseer appointed under and by virtue of the sixteenth clause of this Act, who shall be deemed a legal witness in all cases in which he shall be the informer or prosecutor for offences against this Act, and in cases in which such fines, penalties or forfeitures shall exceed the sum of five pounds, and shall not exceed the sum of twenty pounds, by action or suit in the Provincial Court of the inferior District of Gaspé, or before the General Sessions of the Peace for the said District of Gaspé, upon such and the like evidence as is by this Act directed to be given touching and concerning fines not exceeding five pounds; and in the cases in which the fines, penalties or forfeitures shall exceed the sum of twenty pounds, by information or suit in his Majesty's Court of King's Bench for the District of Quebec; and in all cases of non-payment of any judgment to be awarded as aforesaid, either by the said Provincial Judge or the said General Sessions of the Peace, or the said Justice of the said inferior District of Gaspé, the same shall be levied by distress and sale of the offender's Goods and Chattels, by warrant under the hand and seal of the Provincial Judge or Justice, or issued under the order of the said General Sessions of the Peace for the said inferior District of Gaspé, before whom the offence shall have been prosecuted, directed to a Constable or Peace Officer, and the overplus of the money raised, after deducting the penalty and costs, shall be returned to such offender, and in case the offender shall not have sufficient goods and effects whereon to levy the penalty and costs, it shall and may be lawful for the said Provincial Judge or General Sessions of the Peace for the said inferior District of Gaspé, or Justice of the said District before whom such conviction shall have been had and obtained as aforesaid, to commit the offender to the Common Gaol of the District, there to continue and remain for any time not exceeding two months, nor less than eight days; and in cases of judgment in the Court of King's Bench for the said District of Quebec, according to the usual course of that Court.

Form of a conviction.

XIX. And be it further enacted by the authority aforesaid, that the Provincial Judge,

Judge, or the said General Sessions of the Peace, or Justice of the Peace before whom any person shall be convicted in manner prescribed by this Act, shall cause such respective conviction to be drawn up in the form or the effect following :

INFERIOR DISTRICT of } **B**E it remembered that on this _____ day of _____
 GASPE', *fs.* } in the _____ year of his Majesty's Reign, *A. B.* is
 convicted before me, one of his Majesty's Justices of the Peace for the inferior District of Gaspé, or before this Court (as the case shall happen to be) for (here set forth the offence) and I do, or this Court doth, adjudge him to pay and forfeit for the same, the sum of _____

Given under my hand and seal, or under the order of this Court, the day and year aforesaid.

Fines when levied, how disposed of.

XX. And be it further enacted by the authority aforesaid, that the fines and forfeitures incurred under this Act, shall be recovered in the manner herein before prescribed and directed, by any person suing for the same, and one moiety of all such fines and forfeitures shall belong to the informer, and the other moiety shall be paid into the hands of the Receiver General of this Province, for the use of his Majesty, and shall be accounted for to the Crown through the Commissioners of his Majesty's Treasury for the time being, as the Crown shall direct. Provided always, that where the Overseer to be appointed as aforesaid, shall be the informer and prosecutor, then the whole of such fine so recovered shall belong to his Majesty, to be paid and accounted for as aforesaid.

When the Overseer is the informer, the whole fine to belong to his Majesty.

Ordinance 28th Geo. III, cap. 5th repealed.

XXI. And be it further enacted by the authority aforesaid, that the Ordinance passed by the Governor and Legislative Council in the twenty eighth year of His Majesty's Reign intituled, "*An Act or Ordinance for regulating the Fisheries in the river Saint Lawrence in the Bays of Gaspé and Chaleurs, on the Island of Bonaventure, and the opposite shore of Percé,*" shall be and is hereby repealed.

Limitation of actions.

XXII. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within eight Calendar months next after the offence shall have been committed, and not afterwards, and the defendant or defendants, in such action or suit, may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of this Act; and if it shall appear so to have been done, then the Court shall find for the defendant or defendants, and if the Plaintiff or Plaintiffs shall be non suited or discontinue his or their action after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by Law.

XXIII.

Actions for penalties to be commenced within 12 months.

XXIII. And be it further enacted by the authority aforesaid, that no suit or action shall be brought against any person or persons for any penalty incurred under this Act, unless such suit or action be commenced within twelve calendar months next after the fact committed.

Continuance of this Act.

XXIV. And be it further enacted by the authority aforesaid, that this Act shall be and continue in force until the first day of January in the year of our Lord one thousand eight hundred and twelve, and from thence to the end of the then next session of the Provincial Parliament.

C A P. XIII.

AN ACT for the more easy recovery of small Debts in certain parts of this Province.

(16th. April, 1807.)

Preamble.

WHEREAS an easy and expeditious method for the recovery of small Debts of the nature herein after mentioned, within the Townships and Seignories herein after specified, would be of great advantage to the inhabitants residing within the same: 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, it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by any Commission or Commissions to be by him issued under the Great Seal of this Province, to authorise and empower such or to many of his Majesty's Justices of the Peace acting in and for such Townships and Seignories respectively, as to him shall seem meet, to take cognizance of such causes and suits as are herein after specified, and for that purpose it shall and may also be lawful to and for such Justice or Justices, upon request or application to him or them made, to grant and issue, or cause to be granted and issued a summons to one or more person or persons (which summons shall be in the form herein after mentioned) and shall not be returnable in a less delay than two days, and to hear, try and determine, as shall appear to him or them agreeable to equity and good conscience.

Governor empowered to appoint Justices of the Peace in certain Townships and Seignories to take cognizance of causes and suits not exceeding 5l.

Actions how to be brought and tried.