

the year by means of the rising of the waters of the said River, who shall not top off the Branches of such Trees, and cut up the Trunk thereof into lengths of not more than eighteen feet, before they are or shall be allowed to be floated or cast into the said River, shall for every such offence forfeit and pay the sum of twenty Shillings.

Method of levying penalty.

II. *And be it further enacted by the authority aforesaid,* That any person or persons who shall, after the said first day of August next, cut down or fell any Trees as aforesaid contrary to the provisions of this Act, shall, upon conviction before any two Justices of the Peace in the District in which such person or persons may reside or have committed such offence, pay such fine as to the said Justices the case may seem to require, not exceeding the sum of Twenty Shillings, to be levied by distress out of the Goods and Chattels of the said person or persons so convicted, and in case no such distress can be found wherefrom to levy such fine, or that the said person or persons so convicted do not otherwise pay the said fines, then and in such case the said Justices may confine the said person or persons in the common Gaol of the District where such person or persons shall be convicted, for the term and space of ten days.

Appropriation of penalties.

III. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures to be levied by virtue of this Act shall be paid into the hands of the Treasurer of the District where the same shall be levied, and shall be applied to the Improvement of the Roads within the same.

CHAP. XXX.

AN ACT to protect the White-Fish Fisheries in the Straits or Rivers Niagara, Detroit, and Saint Clair, in this Province.

[Passed 13th February, 1833.]

Preamble.

WHEREAS it is necessary to protect the White-Fish Fisheries in this Province:—*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 Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts

of an Act passed in the fourteenth year of His Majesty's Reign, entitled '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 by the authority of the same, That from and after the passing of this Act, if any person or persons shall use or employ, or cause to be used or employed, any Seine, or other Nets, for the taking of White-Fish, in the Straits or Rivers Detroit, Saint Clair, and Niagara, within the Province of Upper Canada, of a greater length than Fifty Fathoms, he or they, for every such offence, shall forfeit the sum of One Hundred and Twenty-five Pounds.

Penalty of £125 imposed on persons using Seines in certain Rivers.

II. *And be it further enacted by the authority aforesaid,* That any person or persons who shall be found fishing for White-Fish in either the said Straits or Rivers within this Province, with Seines, Gill-Nets, or other Nets, on the first day of the week, called Sunday, shall forfeit, for every such offence, the sum of Fifty Pounds.

Penalty for fishing on Sunday.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall attempt to divert the natural progress or running of the White Fish within this Province by Shingling or other device, he or they shall forfeit for every such offence the sum of one hundred and twenty-five Pounds, or be Imprisoned, not exceeding three months, at the discretion of the Court.

Penalty for diverting the progress of the fish from their accustomed channel £125.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall fish in the said Straits or Rivers fronting the Farm or Land of any person or persons, except in the Channel of said Straits or Rivers, after notice given to desist by the owner or occupant of such farm or Land, he or they shall forfeit for every such offence the sum of fifty Pounds.

Persons not to fish fronting lands of individuals, under a penalty of £50.

VI. *And be it further enacted by the authority aforesaid,* That all forfeitures which shall be incurred under the provisions of this Act shall be recovered by Action of Debt with Costs of Suit before any Court having competent Jurisdiction; one moiety thereof to the person or persons who may sue for the same, and the other moiety to be paid into the hands of the Receiver General, to and for the uses of His Majesty, His Heirs and Successors, for the Public uses of this Province and towards the support of the Government thereof, to be accounted for to His Majesty, through the Lords Commissioners of His Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

Penalty how to be recovered and applied.