

## C A P . X C I .

An Act to explain the Act to allow Notaries to call meetings of Relations and Friends, in certain cases, without being thereto specially authorized by a Judge, and for other purposes.

[Assented to 22nd April, 1853.]

**W**HEREAS serious inconvenience has arisen from the Preamble.

different interpretations which have been put upon the fourth Section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to allow Notaries to call meetings of Relations and Friends, in certain cases, without being thereto specially authorized by a Judge*, with regard to the power of the Judge or Judges of the Superior Court or of the Circuit Court for Lower Canada, to homologate or refuse to homologate, according to circumstances, the proceedings had before a Notary or Notaries for Lower Canada, under the Act above cited; And whereas it is expedient to remove all doubts and difficulties on the subject: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That for and notwithstanding any thing in the said Act, the Judges, or any one of the Judges of the Superior Court or of the Circuit Court for Lower Canada, have and has full power and authority to homologate or to refuse to homologate, as the case may require, all or any such proceedings had before Notaries for Lower Canada, under the Act above cited, and to do, make and grant such Acts, Orders and Appointments and in as full and ample a manner, as if the Relations and Friends had been present, and had personally given their opinion before such Judge or Judges upon the matter in question.

Act 14 & 15  
V. c. 58, cited.

Judges of S.  
Court have  
power to  
homologate or  
to refuse to  
homologate  
proceedings,  
&c.

## C A P . X C I I .

An Act relating to the Fisheries on the Labrador and North Shore of the Gulph of St. Lawrence.

[Assented to 22nd April, 1853.]

**W**HEREAS the Whale, Seal, Cod, Mackarel, Herring and Preamble.  
other Fisheries in the Gulph of St. Lawrence, are of great importance to Her Majesty's subjects in this Province, several of whom concerned in those Fisheries have been of late years by strong hand prevented by persons residing on or frequenting the Labrador or North Shore of the said Gulph, from making  
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on the coasts thereof and islands contiguous thereto, although uninhabited and waste, the temporary buildings, Try Houses, Sheds, Stages, Flakes, and other erections necessary to the carrying on of those Fisheries, but who nevertheless, in the lawful pursuit of such Fisheries, have, as British Subjects, a right to land and construct such erections on the waste and unoccupied parts of the coast, not disturbing nor interfering with previous occupants, and are entitled as pursuing an important branch of public and national industry, to protection, and every facility which, without injury to planters and those permanently settled on the coast, the various localities on the said coast and islands contiguous thereto afford, and it therefore is expedient to declare and enact as hereinafter it is done : Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That all and every Her Majesty's Subjects carrying on or concerned in the Whale, Seal, Cod and other Fisheries in the Gulph of St. Lawrence, shall peaceably have, use and enjoy the freedom of taking bait and of fishing in any and every River, Creek, Harbour or Road, with liberty to go on shore on any part or parts of the Labrador or North Shore of the Gulph of St. Lawrence, and upon any islands contiguous thereto, within the limits of the Province on the Gulph Shore or Labrador, for the purposes of the Whale and other Fisheries, and for salting, curing and drying fish there, to cut wood for making and repairing stages, flakes, hurdles, cook-rooms and other purposes necessary for preparing their oil and 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 that such River, Creek, Harbour or Road be navigable by boats and craft usually employed in the Fisheries, and as such not private property, and the land upon which such wood may be cut be unconceded by the Seigneur, or proprietor of the Seigniory within which the same is situated, or if conceded, remains unimproved or unoccupied at the time when such wood is cut for the aforesaid purposes.

All Her Majesty's Subjects to have certain privileges on the said Shore and in the said Gulf.

Proviso.

Masters of British Vessels may take possession of ground for certain purposes.

II. And be it enacted, That the Master and Commander of every Vessel fitted out from the United Kingdom of Great Britain and Ireland, or any of the dominions thereunto belonging, for the Whale, Cod or other Fisheries, may take possession of so much of the unconceded beach of any of the Islands of the said Labrador, or of any unoccupied beach on the mainland thereof, within the limits of the Province, as may be necessary for

for trying his blubber and rendering the same into oil, or 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, pursuant to a concession or title deed therefor from the Seigneur, or proprietor of the Seignior, to which the same may appertain or be held, by virtue of a location certificate from the Crown 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 improvement erected or made by him on the unoccupied beach aforesaid, so that such removal be not made during and before the close of the fishing season, in which the new occupier shall have taken possession.

Proviso.

Proviso.

Proviso.

III. Provided always, and be it enacted, That nothing herein contained shall be construed or held in any wise to alter, prejudice or affect the rights of Her Majesty, Her Heirs or Successors, or of any body corporate or politic, person or persons whomsoever, other than those to whom this Act may relate.

Rights of Her Majesty, &amp;c. not affected.

IV. And be it enacted, That this Act shall be in force until the first day of May, one thousand eight hundred and fifty-six, and no longer.

Duration of this Act.

## C A P. X C I I I .

An Act supplementary to the Act to detach, for judicial purposes, the Settlements of Sainte Anne-des-Monts and Cap-Chat from the District of Gaspé, and annex the same to the District of Kamouraska.

[Assented to 22nd April, 1853.]

**W**HEREAS by the Act of the present Session, intituled, *An Act to detach for judicial purposes the Settlements of Sainte Anne-des-Monts and Cap-Chat from the District of Gaspé, and annex the same to the District of Kamouraska*, the said Settlements are detached and withdrawn from the jurisdiction of the Courts in and for the County and District of Gaspé and made to form for judicial purposes part of the District of Kamouraska, and they were intended to be thereby also placed but were not thereby placed within the jurisdiction of the Courts having cognizance of criminal matters in the aforesaid District of Kamouraska, as well as within the jurisdiction of the Civil Courts thereof, and it is necessary to supply the omissions

Preamble.

Act 16 V. c. 30, cited.