

or more Commissioners of the Peace, who are hereby authorized and required to hear and determine such information, in a summary manner, and upon the oath of one credible witness (being some other than the informer himself) and to levy the said penalty, and the costs of suing for the same, by a warrant to seize and sell the goods and lands of the offenders, and for want of goods or lands whereon to levy the same, to commit the offender or offenders to the common gaol, there to remain, without bail or mainprize, until the said penalty and costs shall be paid and satisfied, or the party otherwise discharged by due course of law.

And further it shall and may be lawful for any person, having a warrant for that purpose under the hand and seal of any one Commissioner of the Peace, or of any of His Majesty's commandants of the different posts or forts in this province, at present established, or hereafter to be established, who are hereby authorized and required to issue such warrant or warrants, to seize all such goods, wares, merchandize, or provisions as may be carried beyond the said limits, contrary to the directions of this ordinance, and all and every the boats, battoes, canoes, or other carriages whatsoever made use of in the transporting or conveyance of such goods, wares, merchandize, or provisions; together with the apparel and furniture of such boats, battoes, or canoes, and the horses or cattle belonging to such carriages; and to proceed against the same by information, within the space of six months, in manner herein before mentioned, before any two or more Commissioners of the Peace, who are hereby authorized and required to determine the same in manner aforesaid: and in case of condemnation, where no appeal shall be made from the same, or where no security shall be given for prosecuting any appeal in the manner hereinafter directed, or where, on such appeal, the said sentence of condemnation shall be confirmed, to cause the whole of the said seizure to be sold, and the moneys arising therefrom, after deducting all reasonable charges, to be divided as herein after directed.

If the owner or owners of any such goods, wares, merchandizes, or provisions so seized, or the person or persons entrusted with the same, shall give good and sufficient security for producing the same, or paying or accounting for the value of them, in case of condemnation, such owner or owners, person or persons intrusted as aforesaid, shall recover the possession of all such goods so seized.

All commandants of posts, not being commissioners of the peace, are hereby required to send such security, together with all informations and papers relative to such seizure, and for want of such security, to send the goods, wares, merchandizes, provisions, boats, battoes, canoes, or other carriages so seized, together with a certificate of the cause of seizure, to the commissioners of the peace residing nearest the place where such seizure shall be made, who shall proceed therein in manner herein before mentioned.

VI. If any person or persons shall think him or themselves aggrieved by the judgment or determination of the said commissioners of the peace, it shall and may be lawful for such person or persons to appeal therefrom, at any time within twelve months from the time of giving such judgment or determination, to the Governor and Council of this Province, any five or more of whom (the commissioners of the peace who shall have given such judgment or determination only excepted) with the Governor, Lieutenant Governor, or Chief Justice, shall constitute a Court of Appeals for that purpose; who are hereby authorized fully to examine into the grounds and nature of the appeal, and the judgment or determination of the said commissioners of the peace to reverse, or affirm, according to the opinion of the major part of the said court of appeals:—and in case the same shall be reversed, the appellant shall be restored to all that he has lost by such seizure and condemnation, and be allowed such costs and charges as the said court shall award and adjudge.

But no person shall be intitled to such appeal, unless he shall have first given good and sufficient security for prosecuting the same, and paying all such condemnation money and costs, as shall be awarded by the court of appeals, in case the judgment and determination of the commissioners of the peace shall be affirmed.

Upon such security so given, the levying of the penalty, and the sale of the goods, wares, merchandizes, boats, battoes, canoes, or other carriages seized, shall be suspended, and be made to abide the final determination and judgment of the court of appeals.

VII. All penalties and forfeitures recovered by virtue of this ordinance, shall be divided and applied in the manner following, that is to say, after deducting the charges of prosecution from the gross produce thereof, one moiety of the net proceeds shall be paid into the hands of the receiver general of this province, for the use of the king's majesty, and the other moiety to the person or persons who shall seize, inform, and sue for the same.

GUY CARLETON.

Ordnained and enacted by the authority aforesaid, and passed in council under the Great Seal of the Province, at the Council Chamber in the Castle of St. Lewis, in the City of Quebec, the twenty-ninth day of March, in the seventeenth year of the Reign of our Sovereign Lord GEORGE the Third, by the grace of God of Great-Britain, France, and Ireland, King, defender of the faith, and so forth, and in the year of our Lord one thousand seven hundred and seventy-seven.

By His EXCELLENCY's Command,

J. WILLIAMS, C. L. C.