

Case where the defendant is not a resident in the Province.

XVIII. In case any defendant shall not be resident in this Province, and it shall be deemed expedient to proceed against such Defendant without delay, any Stipendiary or other Magistrate may, upon complaint, issue a Summons, returnable before him immediately after the service thereof, or within a reasonable time to be stated in the Summons; and if deemed necessary by the Magistrate, the process provided by the next preceding section for apprehending the defendant shall be likewise issued simultaneously with such summons. 5

Proceedings in cases not specially provided for.

XIX. Every proceeding under this Act and not specially directed by its provisions, and also all costs recoverable thereunder, shall be the same as provided by law in other cases where summary jurisdiction is given to Magistrates. 10

Penalty for carrying eggs of sea-fowl between certain periods.

XX. Any party, or parties, found engaged in collecting, carrying away, destroying or attempting to gather, carry away or destroy, or having in possession (being so gathered) or in the act of carrying away any of the eggs of any species of Wild Fowl from any part of Lower Canada or in the Gulf of or River Saint Lawrence or Islands therein, after the 1st day of June in each year, shall be severally liable to a penalty of not less than twenty dollars, nor more than one hundred dollars, to be recovered either on complaint and conviction according to the form already prescribed in this Act, or upon view had by any Stipendiary or other Magistrate; and in default of the instant payment of such penalty, and all costs incurred, the offender shall be committed to the nearest gaol for a term of not less than two months, nor more than four months. 20 25

Forfeiture of vessels employed in contravening the next preceding section.

XXI. Every boat or other vessel found employed in gathering or carrying away the eggs of any species of Wild Fowl in contravention of the preceding section, shall be and is hereby declared absolutely forfeited and confiscated to Her Majesty for the public uses of this Province and may be immediately seized and taken possession of, either upon view of any Stipendiary or other Magistrate or by order of, or under warrant (in the form H of the annexed Schedule) from any Justice of the Peace, Stipendiary or other Magistrate, who shall cause the property so seized to be disposed of at public auction, and the proceeds thereof to be paid over to Her Majesty's Commissioner of Crown Lands for the public uses of this Province; Provided always, that out of the proceeds of such confiscation and sale, all reasonable costs and charges attending the seizure and disposal of any boat or vessel so seized and sold as aforesaid, shall first be defrayed. 30 35

Proviso.

Provision in favour of Indians.

XXII. This Act shall not be held to preclude Indians from killing or possessing any species of game, eggs, wild fowl or animals mentioned therein, provided the same can, by reasonable presumption, be deemed to be for their own immediate and personal use and consumption, but in no wise intended nor offered for sale, barter or gift, either within the Province of Canada or in any other country; and the burden of furnishing evidence of such reasonable presumption shall lie upon such Indians. 40 45

Convictions not void for want of form, &c.

XXIII. No proceeding under this Act shall be dismissed, and no conviction had under this Act shall be quashed for want of form; nor shall any warrant of arrest or commitment be held 50