

the fine is too great owing to the poverty of the defendant, he may exercise a discretionary power. 51-52 V., c. 17, s. 18.

2. If the defendant does not pay the fine, with costs, within the time determined by the court, his goods and chattels may be seized and sold to pay them; and in the event of there not being any moveables and effects, he shall be liable to an imprisonment of not less than eight days or more than one month. 51-52 V., c. 17, s. 19.

If fine not paid, goods may be seized and sold; if insufficient defendant may be imprisoned.

1381. The whole of the fine belongs in each case to the person who has obtained the judgment of condemnation. 51-52 V., c. 17, s. 20.

Fine to belong to complainant.

1382. All fines may be summarily recovered on complaint before a magistrate on such proof as he may deem necessary. 51-52 V., c. 17, s. 21.

Fines recoverable by summary process before magistrate.

* **1383.** There shall be three days interval between the service and the return of a summons to a defendant for the first five leagues, and one day more for every additional five leagues or fraction of five leagues of distance between the place where the summons is dated and that in which the service takes place.

Delays upon service of summons.

When it is expedient to proceed without delay against a defendant, any magistrate may issue a writ of summons returnable immediately to compel the defendant to appear before him without delay, or he may issue at the same time as the writ of summons, a warrant of arrest against the defendant. 51-52 V., c. 17, s. 22.

Magistrate may issue summons returnable immediately or warrant of arrest.

1384. The suit for the recovery of fines must be taken within six months, counting from the day that the convention took place. 51-52 V., c. 17, s. 23.

Prescription of suits.

1385. The fishery overseer, when the judgment has been obtained through his intervention, shall, within a delay of five days after the judgment, make a report to the Commissioner. 51-52 V., c. 17, s. 24.

Reports of suits by fishery overseer.

1386. No proceedings shall be dismissed, nor any condemnation annulled, by reason of any defect in form.

Proceedings not invalid through defects of form.

No warrant of arrest or imprisonment shall be annulled by reason of irregularity if it be therein alleged that the person was found guilty and if there be good and valid reason to justify such condemnation. 51-52 V., c. 17, s. 25.

Warrant not invalid for irregularity