

his ordinary calling on Sunday; or any paid organist from playing in any church, or in connection with any religious service, or any paid singer from singing in any church or in connection with any religious service; or any sexton from performing the ordinary work in connection with any church; or the putting forth to sea of any vessel for any destination without the limits of the Province; or to prevent any vessel coming into port or any pilot or pilot-boat or any tug-boat from going in search of vessels making port, or from bringing any vessel into port, or taking her out of port on Sunday; or shall prevent the carrying on in any mill or manufactory of any manufacturing process of such a nature that it is essential to proceed with the work and development thereof continuously for a period over six days to prevent injury or damage to the material so in course of manufacture; or the operation in any mine of any pumps; or from stream driving; or from towing, booming or freighting any lumber or raft of lumber or timber when the same is in transit and it is essential to proceed with the transport of the same to prevent injury thereto, or to prevent such delay in getting the same to its place of destination as would be liable to lead to the loss or injury of any such lumber; or shall apply to the loading or unloading of fishing smacks or boats; or to the moving of through freight trains in the Province of New Brunswick.

(4) Provided, however, that nothing in this Act contained shall operate to prevent the loading or unloading or other work necessary to be done, in order to enable any steamship to prepare for sailing in case said steamship is under contract with the Canadian Government to sail at any time certain, and it is necessary in order to fill said contract that said work should be done.

2. No person shall on that day allow or permit tippling in any inn, tavern, grocery or house of public entertainment under his management or control, or revel, or publicly exhibit himself in a state of intoxication, or brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects.

3. No person shall on that day play at skittles, ball, foot-ball, rackets, or any other noisy game, or gamble with dice or otherwise, or run races on foot, or on horseback, or in carriages, or in vehicles of any sort.

4. No person shall on that day go fishing, or take, kill or destroy any fish, or use any fishing-rod, net or other appliance for that purpose.

5.—(1) Sunday excursions by steamboats plying for hire, or by railway, or in part by any such steamboat and in part by railway, and having for their only and principal object, the carriage of Sunday passengers for amusement or pleasure only, and to go and return on the same day by the same boat or railway, or any other owned by the same person or company, shall be unlawful, and shall not be deemed a lawful conveying of travellers within the meaning of this Act.

(2) The owner of any steamboat or railway by which any such excursion is wholly or partly made, shall for each offence against this section, forfeit and pay the sum of \$200 to be recovered in any court having jurisdiction in civil cases to that amount, by any person suing for the same under this section and for the purposes thereof.

(3) The action for recovery of any penalty incurred under this section may be brought before a Court having jurisdiction as aforesaid, in the place from which the steamboat or train employed in the unlawful excursion on which the action is founded, started or through or at which it passed or stopped in the course thereof.

(4) All sums of money recovered under the provisions of this section shall be appropriated as follows: One moiety thereof to the plaintiff and the other moiety to the Municipality of the City or Town, or County in which is located the village or place, from which the unlawful excursion started, to be applied for the purposes of the Municipality.

(5) The word "owner" in this section includes a corporation.

(6) This section shall not apply to ferries, or to steamboats when employed as ferry boats.

(7) Every action under the foregoing provisions of this section shall be brought within six months after the offence committed, and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant, one month at least before the action, and in any such action the defendant may plead not guilty by statute and give this Act and the special matter in evidence at any trial had thereupon; if a verdict pass for the defendant, or the plaintiff become nonsuited or discontinues any such action, after issue joined, or if upon demurrer or otherwise, judgment be given against the plaintiff, the defendant may recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases.

(8) The captain or other person in charge of any steamboat, and the conductor or other person in charge of any train while used for the purpose of any such Sunday excursion, shall be liable to the penalties prescribed by Section 6 of this Act for violation of this Act.

6. Any person who shall violate any of the provisions of this Act shall for each such offence, on conviction be liable to a penalty of not less than one dollar, and costs, and not exceeding twenty dollars and costs, in addition to any other penalty prescribed by law for the same act.

7. Nothing herein contained shall relieve employees or servants who violate the provisions of this Act from the penalties thereby imposed in the case of such violation.

8. Nothing in this Act shall be construed to repeal or in any wise affect the provisions of Section 2 of Chapter 144 of