

CAP. XCIX.

An Act to protect the Grounds and Enclosures around the Province Buildings in Fredericton.
Passed 14th April 1845.

Preamble.

WHEREAS it is necessary to prevent trespasses upon the Grounds enclosed around the Province Buildings in Fredericton, and upon the Enclosure thereof;

The Governor may appoint a person to protect the Grounds around the Province Buildings.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, to appoint a person to look after and protect the said Grounds and the Enclosures thereof, and that the said person so appointed shall, during his continuance in office, be deemed and taken for all the purposes of this Act to be in the lawful and exclusive occupation and possession of the said Grounds and Enclosures, for the protection thereof.

Grounds to be deemed an Enclosure, under 1 W. 4, c. 9, s. 6.

II. And be it enacted, That the said Grounds around the said Province Buildings shall be held and taken to be a Field or Enclosure under lawful Fence, under the sixth section of an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the Acts now in force relating to trespasses, and to make more effectual provision for the same*, and that the same remedies, proceedings, fines and penalties, as are prescribed in and by the said Act, shall be adopted, taken, imposed and levied, in all like cases arising in reference to the said Grounds and Enclosures.

Penalties for injuries done to the Gates, &c.

III. And be it enacted, That if any person or persons shall wilfully break down any part of the said Enclosures, or remove any of the Gates thereof, or shall wilfully cut, break down or otherwise remove or destroy any Trees which are now or may hereafter be planted within the said Enclosure, such person or persons, upon conviction thereof before any Justice of the Peace in and for the County of York, shall forfeit and pay the sum of eighty shillings for each and every offence, to be levied by distress and sale of the offender's goods and chattels, and in failure of such goods and chattels, the offender or offenders shall be committed for not less than twenty days to the Common Gaol of the County of York.

Limitation.

IV. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty.

CAP. C.

An Act to prevent malicious injuries to Nets and Seines set for taking Fish in this Province.
Passed 14th April 1845.

Persons injuring Nets, Seines, &c. lawfully set for taking Fish to be liable to a penalty.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if any person shall wilfully and maliciously damage, cut, break or destroy any Net or Seine lawfully set or placed for the purpose of taking Fish in this Province, or any tackle to such Nets or Seines belonging, and shall be thereof convicted before any one of Her Majesty's Justices of the Peace for the County, or City and County, where the offence may be committed, either by the confession of the party offending, or on the oath of one or more credible witness or witnesses, every such person shall for each and every offence forfeit and pay a sum not exceeding five pounds nor less than twenty shillings, together with costs of suit, to be levied by Warrant of distress and sale of the goods and chattels of every such offender; one moiety of which forfeiture, when recovered, shall be paid to the Overseers of the Poor of the Parish or the Commissioner of Alms House of the County, or City and County, where the offence may be committed, and the other moiety to be paid to the person who shall prosecute for the same; and for want of goods and chattels whereon the same can be levied, it shall and may be lawful to commit any such offender to the Common Gaol or House of Correction of the County, or City and County, where the offence may be committed, there to remain without bail or mainprize, and to be kept at hard labour, for a term not exceeding one month, unless such forfeiture and costs be sooner paid.

Application.

Evidence of Prosecutor to be admissible.

II. And be it enacted, That no person to whom, as prosecutor, any part of the penalty on conviction is hereby directed to be paid, shall, on that account, be prevented in consequence thereof from giving evidence as a witness on any prosecution, but such person shall be deemed and taken to be a competent witness, whose credibility shall be judged of by the Magistrate before whom such prosecution shall be had.