

order the Justices to be discharged upon their making a complete return of the proceedings, and paying the costs of obtaining and executing such attachment.

4. Upon return of the proceedings the said Judge shall examine into and determine the matter agreeably to justice, and in case he shall affirm the decision of the Justices, shall issue his Warrant to the Sheriff of the County in which the premises are situate, to deliver the possession to the landlord, and to levy for the costs, as well of the proceedings before the Justices, as of the review, in the same manner as if the said Justices had issued their Warrant under the said twenty seventh Section.

5. The Judge may award costs of review, to be taxed and recoverable by attachment in the same manner as on review from a Justice's Court under the provisions of Chapter 137 of the Revised Statutes.

6. The twenty eighth Section of the said Chapter 126 is hereby repealed.

### CAP. XX.

An Act for the preservation of Deer on the Island of Grand Manan.

Passed 8th June, 1865.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That for and during the period of three years from and after the day of the passing of this Act, it shall not be lawful to kill or destroy any Deer on the Island of Grand Manan, in the County of Charlotte; and if any person shall take away, kill or destroy any such Deer within such period, he shall be liable to a penalty not exceeding twenty dollars, to be recovered with costs under the provisions of the one hundred and thirty eighth Chapter, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions,' and to be appropriated one half thereof to the prosecutor, and the other half to the Overseers of the Poor of the Parish of Grand Manan, for the use of the Poor of the said Parish; and if such penalty and costs shall not be paid immediately on conviction, the Justice may commit the defendant to the common gaol of the said County, there to remain with or without hard labour for a period not to exceed three months, unless such penalty and costs shall be sooner paid.

### CAP. XXI.

An Act for the protection of Moose.

#### Section.

1. Time during which Moose shall not be killed; penalty.
2. Penalty for killing more than two, or leaving carcass to decay.
3. Persons having carcass or hides of any Moose within the time prohibited, to be liable; proviso.
4. Wardens and Deputies, how appointed; their duties.
5. Powers of General Sessions or Municipalities.

#### Section.

6. Penalties, how recovered.
7. Indians, when exempt from penalties.
8. Exportation of hides prohibited; hides when liable to seizure.
9. Wardens authorized to seize hides.
10. If owner of hides seized be not known, hides to be advertised, and if not claimed to be forfeited.
11. Provincial Secretary to lay returns of Wardens before Legislature yearly.

Passed 8th June, 1865.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. No person shall hunt, take, kill, wound, or destroy any Moose from the first day of February to the first day of May, in any year, under a penalty of a sum not exceeding forty dollars for each and every offence; and any person may lawfully shoot or otherwise kill any dog found hunting Moose within the time or with the person herein prohibited.

2. No person shall kill more than two Moose during a

period of twelve months, under a penalty of twelve dollars for each and every offence; and no person shall kill any Moose except for the purpose of using the flesh for food, or shall leave or abandon to decay the carcass of any Moose killed, under the penalty of twenty dollars for each and every offence.

3. If any person or persons shall have in his or their possession the carcass of a Moose, or any part thereof, or the hide thereof, and killed within the time specified in the first Section, such person or persons shall be deemed to have hunted and killed the same contrary to this Act, and be liable to the penalties provided by the first Section of this Act; provided that any person or persons having in his or their possession more than two hides at any one time, shall be *prima facie* evidence of his having acquired the same contrary to this Act, and be liable to the penalties imposed in the second Section of this Act, but in either case such person so charged shall be admitted as a witness or witnesses to rebut such presumption.

4. The Governor in Council shall, for the purposes of this Act, appoint a Warden for each County in this Province, each of whom may appoint, in writing, one or more Deputies under him, and require of them suitable bonds for the faithful performance of their duties; and said Wardens and their Deputies in the several Counties shall faithfully enforce the provisions of this Act; each of the Deputies shall annually, on or before the first day of October in each year, render to his principal an account under oath of all penalties by him enforced for the preceding year, and shall pay to him one-tenth of the net proceeds thereof; each County Warden shall annually on the thirty first day of October in each year, render to the Provincial Secretary an account on oath of all the penalties enforced by himself, or returned to him by his Deputies, for the year ending on the first day of October; the penalty in neglecting so to do for a Warden shall be forty dollars, and for a Deputy twenty dollars, and the Warden shall immediately give notice to the Clerk of the Peace of the County for which such Warden was appointed, of every such neglect of his duty, and the Provincial Secretary shall give such Clerk of the Peace notice of any such neglect of the Warden; and the Clerk of the Peace shall proceed for every such neglect of which he has notice; in such prosecution the certificate of the Provincial Secretary shall be *prima facie* evidence of the fact of such neglect to make a return to him.

5. The General Sessions of the Peace of each County or Municipality in incorporated Counties, shall have power to appoint a Moose Warden for each Parish in the said respective Counties, who shall have concurrent jurisdiction with and the same powers and rights as the County Moose Wardens and his Deputies, and who shall make a like return to the Provincial Secretary under a penalty of twenty dollars, to be proved and recovered in like manner; each of the said officers shall have the same authority to require aid in the execution of his office as Sheriffs and their Deputies have.

6. All penalties under this Act shall be sued for and recovered in the name of the County Warden, or their Deputies, or Parish Warden, agreeably to the provisions of Chapter 138, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions;' and such officers may be competent witnesses on all such prosecutions; and the same, when recovered, shall be paid, three-fourths to the County Warden, or Deputy Warden, or Parish Warden, and the remainder to