



By Authority.

An Act to make perpetual an Act, intituled, "An Act to lay a Tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews."

Passed 25th March 1831.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the ninth year of the Reign of his late Majesty King George the Fourth, intituled, "An Act to lay a Tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews," be and the same is hereby made perpetual.

An Act to authorize the Justices of the Peace, of the County of Gloucester to make rules and regulations respecting the taking of Fish in the different Harbours, Rivers, and Creeks in the said County. Passed 25th March 1831.

WHEREAS the local situation of the Fisheries of the County of Gloucester, render further and other regulations that those contained in the several Acts for regulating the Fisheries in the different Rivers, Coves, and Creeks of this Province, necessary for carrying the said Acts into effect:

Be it therefore enacted by the President, Council, and Assembly, That it shall and may be lawful for the Justices of the County of Gloucester, in their General Sessions, to make such further regulations relating to the Fisheries in the said County as they may find necessary: Provided always, that such regulations are not contrary to, and do not interfere with the general regulations and restrictions contained in any Act of the General Assembly, or with private rights.

An Act to amend the Act to incorporate sundry persons by the name of the Saint John Marine Insurance Company.

Passed 25th March 1831.

WHEREAS in and by an Act made and passed in the sixth year of the Reign of his late Majesty King George the Fourth, intituled, "An Act to incorporate sundry persons by the name of the Saint John Marine Insurance Company," no power is given to the Stockholders in the said Corporation to dissolve the same: And Whereas it is highly expedient that power should be given to the said Stockholders (when circumstances may make it necessary) to dissolve the said Corporation and bring all the business of the same to a final close:

Be it therefore enacted by the President, Council, and Assembly, that any number of Stockholders of the said Corporation who together shall be Proprietors of nine hundred Shares, shall have power at any time, by themselves or their proxies, to call a general Meeting of the Stockholders for the purpose of considering a Proposition to dissolve the said Corporation, giving at least ninety days previous notice in Newspapers published in three different places in this Province, of which the Royal Gazette and a Newspaper published in the City of St. John respectively shall be one, and specifying in such notice the time and place of such meeting with the object thereof; and it shall be lawful for the Stockholders of the said Corporation at such a general Meeting, called in manner aforesaid, to make an Order for the dissolution of the said Corporation at a time to be specified in such order, in case such a number of Stockholders as together shall be proprietors of at least nine hundred Shares, shall, by themselves or their proxies, at such general Meeting vote in favor of such order for the dissolution of the said Corporation; and such dissolution if so determined upon and ordered at such general Meeting, shall not take place until at least ninety Days after such general Meeting, and notice thereof shall be given in three such Newspapers as aforesaid, and the said Corporation shall thereupon be dissolved at the time specified in such order; and Measures shall be taken for closing the concerns and dividing the capital and profits of the said Corporation in the manner mentioned in the twenty fourth section of the said recited Act to which this is an Amendment: Provided always, that all the Debts and Engagements of the said Corporation shall be paid and provided for out of the Corporate Funds, before any such division thereof be taken place.

An Act to amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and to provide for the inspection of smoked herrings in the said Parishes.

Passed 25th March 1831.

WHEREAS an Act made and passed in the eighth year of the Reign of His late Majesty, intituled "an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and to provide for the inspection of smoked herrings in the said Parishes, has been found ineffectual for the purposes intended, so far as relates to Grand Manan:

I. Be it therefore enacted by the President, Council, and Assembly, That from and after the passing of this Act it shall not be lawful for any Registered Vessel to use any net or seine, seine or seines, for the taking of Herring at the Island of Grand Manan, of any greater length than thirty fathoms, or for any unregistered

Vessel or Boat, of any greater length than fifteen fathoms; and that no net or seine, seine or seines, shall be allowed to be set on any of the spawning ground that is from Drake's point to Eel brook point, or within three marine miles of the shore of the main Island, or adjacent Island, from the twentieth day of July to the twentieth day of October in each year.

II. And be it further enacted, That if any person or persons shall offend contrary to the Provisions of this Act, he shall forfeit and pay five pounds, to be recovered on complaint made before any one of His Majesty's Justices of the Peace for the County of Charlotte, upon the oath of one or more credible Witness or Witnesses, and levied by Warrant of distress and sale of the offender's Goods, rendering the overplus (if any) after deducting costs and charges to the offender; the penalties to be paid and applied as is provided for in the first section of the herein before recited Act.

III. And be it further enacted, That this Act shall continue and be in force as long as the herein before recited Act, to which this is an Amendment.

An Act to repeal all the Acts in force relating to Trespasses, and to make more effectual provision for the same.

Passed 25th March 1831.

WHEREAS the Laws now in force relating to trespasses have been found ineffectual:

I. Be it therefore enacted by the President, Council, and Assembly, that an Act made and passed in the forty first year of the Reign of King George the Third, intituled, "an Act to repeal all the Acts now in force relating to trespasses and for making new regulations to prevent the same," likewise the twenty fifth, twenty sixth, and twenty seventh sections of an Act made and passed in the fiftieth year of the Reign of King George the Third, intituled, "an Act to regulate the proceedings in Actions of Replevin, and to enable the sale of Goods distrained for Rent, in case the Rent be not paid in a reasonable time, and for the more effectual securing the payment of Rents, and preventing fraud by tenants," also an Act made and passed in the fifty fourth Year of the Reign of King George the Third, intituled, "an Act in amendment of an Act, intituled, an Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same," likewise an Act made and passed in the second year of the Reign of his late Majesty King George the Fourth, intituled, "an Act to amend the Laws now in force relating to trespasses and to make further regulations to prevent the same;" and likewise an Act made and passed in the third year of the Reign of His late Majesty King George the Fourth, intituled, "an Act further to amend the Laws now in force relating to Trespasses," be and the same are hereby repealed.

II. And be it further enacted, That the Fences dividing improved Lands, shall be erected, made, and maintained at the joint and equal expenses of the occupiers of the said Lands, lying on each side of such fence or line whereon the fence is to be erected, on notice to the occupiers of the adjoining lands; which fence shall be a good, strong and sufficient fence, and not less than four feet six inches high; and in case any dispute shall arise between the occupiers of such Lands on which the said fence should be erected, on the particular part or portion of the fence to be erected by them, it shall and may be lawful to apply to the nearest Fence Viewer, who is hereby empowered (notice being given to the parties to attend) to view such place where the same is proposed to be erected, and to determine the part or portion that it may be equitable each of the occupiers of such improved Lands should erect; and if either of the parties, after six days notice of the determination of the said Fence Viewer, shall not make and erect his portion of the said fence in the manner herein before directed, it shall and may be lawful for the Fence Viewer to employ any person to make such fence, who shall be paid for his labour in making such fence, at the rate of seven Shillings and six pence per day, besides the expense of procuring materials for the same; all which shall be recovered from the person refusing to erect his part of such fence, in the name person so employed by the Fence Viewer with costs of suit, before any court competent to try the same: And where fences are already made and wanting immediate repair, the said Fence Viewer shall on application forthwith summon the parties concerned, and view the same, and also direct such repairs to be immediately made; and in case of the refusal or neglect of the party complained of, it shall be lawful for the Fence Viewer to repair such fence, or direct the person complaining to make such repair, the value thereof to be ascertained at the rate abovementioned, and recovered in the manner before directed from the person refusing or neglecting to repair such fence: Provided always, that no Fence Viewer shall be allowed more than seven shillings and six pence per day for fence viewing, to be paid by, and in case of refusal to be recovered from the party who shall have neglected to keep his fence in repair, or who shall neglect or refuse, when so ordered by the fence Viewer, to repair the same; and if any fence Viewer shall, when notified, neglect his duty, he shall for every such offence, forfeit the sum of two pounds, to be recovered with costs by the person injured; one half thereof to the complainant, and the other half to the overseers of the Poor of the Parish where the offence is committed, towards the support of the Poor of the said Parish.

III. And be it further enacted, That the Justices in their General Sessions of the Peace shall be, and they are hereby empowered to make such other regulations for preventing trespasses by Horses, Swine, Sheep, Goats, and neat Cattle as shall be most expedient and agreeable to nature and circumstances of the several Counties, Towns, and Parishes; and the said Justices are further empowered to make such regulation relating to the Islands, Lowlands and Meadows in their respective Counties as they may think necessary and to determine and order what waters and water fences shall be necessary and sufficient for the protection of the same; and if any Horses, Swine, Sheep, Goats, or Neat Cattle shall be found going at large contrary to such rules and regulations so to be made by the Justices in their General Sessions it shall and may be lawful for the Hog-Reeve or other Parish Officer, to be by them named and appointed for that purpose, to take up and impound in the Parish Pound, any Horses, Swine, Sheep, Goats, and Neat Cattle found going at large contrary to any regulations so to be made, and shall and may receive a sum to be specified in such regulations, not exceeding five shillings for each and every beast so taken up and impounded, to be paid together with the charges of the pound keeper, by the owner or owners of such beast before the same shall be delivered from the Pound.

IV. Provided always, and be it further enacted, That the owner or occupier of any wood, barren or burned land, and not under any improvement, but adjoining to improved or cultivated lands, shall not be obliged to erect, or make, or maintain any part of the fence dividing such wood, barren, burned, or unimproved land from lands so improved or cultivated; any law usage or customs to the contrary notwithstanding.

V. And be it further enacted, That it shall and may be lawful for the Justices of the Peace in their General Sessions, to divide each Town or Parish into as many districts as shall be thought necessary, and that a sufficient pound shall be built in each district; and in case the inhabitants of such districts shall not build the pound by subscription, or otherwise, the Justices may authorize an assessment upon the Inhabitants of such district for the building of a pound, to be assessed and collected as other Town or Parish Charges are.

VI. And be it further enacted, That when any Horses, Sheep, Swine, Goats, or Neat Cattle shall break into any field or enclosure under lawful fence, or into any of the Islands, Lowlands, or Meadows in the respective Counties, contrary to any regulations made or to be made under and by virtue of the third section of this Act, or shall be found trespassing therein, the owner or owners of any such beast so trespassing, shall forfeit and pay to the use of the Poor of the Town or Parish wherein the lands lie, a fine of five shillings per head for Horses, Neat Cattle, Swine, or Goats, and a fine of one shilling for each Sheep so breaking or found trespassing as aforesaid, to be recovered with costs of prosecution before any one of His Majesty's Justices of the Peace, and shall also pay to the party injured the amount of any damages sustained by such trespasses, to be ascertained by three credible Freeholders where such lands lie, being sworn before any Justice of the Peace truly and impartially to value the same; and the party injured may impound each and every such beast so trespassing, and the Pound Keeper shall cause the same to be advertised in three of the most public places in the neighbourhood of the Pound; and if the owner or owners thereof shall neglect to pay such fine, costs, and damages, and also to the Pound Keeper two shillings per day for each head of Horses or Neat Cattle, and sixpence per day for each Sheep, Swine, or Goat, with charges for advertising the same, within fourteen days after the same shall be impounded, such beast or beasts shall be publicly sold, or so many of them as may be necessary to defray the said fine, costs, damages, and charges, and the overplus (if any) shall be paid to the owner or owners thereof; and if the owner or owners do not appear within fourteen days, to demand the same, then to be paid to the overseers of the Poor for the use of the Poor of such Town or Parish.

VII. And be it further enacted, That if any person or persons shall rescue any Beast or Beasts so found trespassing as aforesaid, from any Hog Reeve or other person whatsoever driving or leading such beast or beasts as aforesaid to pound, each and every offender shall forfeit for such rescue the sum of five pounds, over and above all damages that may be sustained by the trespass; which penalty may be recovered, before any one of His Majesty's Justices of the Peace, on the oath of one credible witness, and levied by warrant of distress and sale of the offender's Goods, and in case sufficient distress cannot be found whereon to lay the same, then such offender or offenders shall be committed to the common Gaol or House of correction of the County, there to remain without bail or mainprize for a term not exceeding fifteen days; and if any person or persons shall make a breach in any Pound or if any Pound Keeper, or any other person or persons shall unduly, or by any indirect means, deliver or set at large any beast so impounded, such Pound Keeper or other person or persons so offending, and every of them, shall, upon conviction before any two Justices Quorum units, forfeit for every such offence Ten Pounds, and in case sufficient distress cannot be found whereon to levy the same, such offender or offenders shall be committed to the common Gaol or House of correction of the County, there to remain without bail or mainprize for a term not exceeding thirty days; and that the several penalties in this section mentioned, shall, upon recovery, be paid and applied one half to the person prosecuting, and the other half

to the use of the Poor, after deducting the charges and expenses of repairing such pound breach.

VIII. And be it further enacted, That all good, strong, and sufficient fences, four feet six inches in height, shall be deemed and adjudged lawful fences under this Act: Provided always, that nothing in this Act contained shall prevent the provisions of this Law from taking effect, in any case where it shall appear that the breach into any field has been made in a place where the fence is lawful: And provided also, and be it further enacted, that in cases where it shall be made to appear that the trespass has been committed by breaking through that part of a division fence which the owner of the trespassing Cattle or Swine ought to keep in repair, the want of reparation or defect of such fence shall not be deemed, taken, or considered to be any excuse for such trespass; any thing herein contained to the contrary notwithstanding.

IX. And whereas the expenses attending the Process in suing out Replevin in the Courts of Record in cases of Trespasses by Horses, Neat Cattle, Sheep, Goats and Swine, where the value of the damage does not exceed five pounds should be prevented; Be it further enacted, That in all cases where a Trespass or supposed Trespass shall have been committed by Horses, Neat Cattle, Sheep, Goats or Swine, and the value of the damage alleged to be suffered, shall not exceed the sum of five pounds, the same shall be heard and tried by one Justice of the Peace, in the same manner, and agreeably to the Provisions of an Act for the more speedy recovery of small debts.

X. And be it further enacted, That in all such cases as aforesaid, where it may become necessary, any Justice of the Peace in the County shall grant a Replevin, in manner and form following, to wit:

To either of the Constables of the Parish of _____ You are hereby commanded to replevy to A. B. his _____ which C. D. unjustly, as is alleged, detains under pretence of having committed a trespass not exceeding five pounds; and also to summon the said C. D. to be, and appear before me, on the _____ day of _____ at _____ o'clock in the _____ noon, then and there to answer such things as shall be objected against him by the said A. B.

Witness my hand and Seal the _____ day of _____ 1831.

J. Peace.

and on return thereof, shall hear the merits of the case between the parties, and shall give judgment and grant execution as in other cases to the same amount, and shall receive no more, nor greater fees than in such other cases as aforesaid.

XI. And be it further enacted, That every Constable, who may be required to serve such writ of Replevin, before proceeding to execute the same, shall take from the person, to whom the said replevin is granted, a bond in a sum not exceeding five pounds, with two sufficient sureties, to prosecute such Replevin with effect, within seven days, and in case the said party should fail to prosecute the said Replevin within the time specified, the said Constable is hereby authorized and required to assign the said Bond to the Defendant, who is hereby authorized and empowered to sue for and recover the same in his own name, in any Court competent to try the same.

XII. And be further enacted, That the Bond so described to be taken by the Constable in the preceding section shall be in the form following to wit:

We A. B. of _____, C. D. of _____, and E. F. of _____ are jointly and severally bound to G. H. constable of the Parish of _____ in the sum of _____ to be paid to the said Constable his Executors, Administrators or Assigns.

Sealed with our Seals and dated this day of _____ 1831.

The condition of the above obligation is such, that if the above bound A. B. shall appear before J. K. a Justice of the Peace for the County of _____ (or before the Clerk's Court in the City of Saint John, as the case may be) on (here insert the time and place specified in the Replevin) and do prosecute his suit with effect against L. M. for taking and unjustly detaining his goods, (here the same are to be enumerated) and to make return, if a return shall be adjudged by the said Justice (or in the Clerk's Court in the City of St. John, as the case may be) then the said Bond to be void, otherwise to be in force and effect.

XIII. And be it further enacted that the Clerk's Court in the City of Saint John, shall have the like powers as are given in the two last preceding sections to a Justice of the Peace, and shall and may proceed in the like cases, according to the form and course of proceeding in the said Clerk's Court.

An Act to incorporate the Minister and Elders of the Kirk of Scotland, in the Town of Newcastle, and for the purposes therein mentioned.

Passed 25th March 1831.

WHEREAS sundry Inhabitants of the Town of Newcastle and its vicinity, in the County of Northumberland, being of the Protestant profession of worship, approved of by the General Assembly of the Church of Scotland, have by voluntary contributions erected a large and handsome building for a place of Public Worship, which it is intended shall be in connection with the said Church of Scotland: And whereas the title to the parcel of land on which the said Church has been erected, being part of the lot Number two, and bounded as follows: that is to say, Beginning at the North side of the Highway running through Newcastle aforesaid, one Rod distant from the Western bound-

dary of the County lot or Grant number three; thence running twenty-three Rods and one-half of a Rod along the said Western boundary of the said lot number three, one Rod distant from the said boundary; thence at a right angle, Westerly, nine Rods; thence at a right angle, Southerly, twenty-six Rods and one-half of a Rod, or until it meets the said Highway, thence along the said Highway, Easterly, until it meets the first mentioned boundary, containing in the whole one Acre and the one half of an acre, is now in sundry Inhabitants of the said Town of Newcastle and its vicinity, in trust, and for the use of the Persons of the profession aforesaid: And whereas the said Persons are desirous that the said title to the said parcel of land should be transferred to and vested in the Minister and Elders of the said Church; which said Ministers and Elders have been duly appointed and chosen according to the usages of the said Church of Scotland, and the said Minister has been duly licensed to officiate in the said Church:

I. Be it therefore enacted by the President, Council and Assembly, That the Minister and Elders of the said Church, commonly called and known by the name of the Kirk of Scotland, shall be deemed and taken to be, in all Courts of Law and Equity, the Proprietors of the said parcel of Land, instead of the said Persons now having title thereto as aforesaid; and that the said title to the said parcel of Land shall henceforward be transferred to and vested in the said Minister and Elders, and their Successors for ever, being so elected and appointed, and approved and licensed as aforesaid, to have, hold, use, and enjoy the same for the use and intent aforesaid; saving nevertheless the right of His Majesty, his Heirs and Successors, and of all bodies Politic and Corporate, and of all other Persons to the said parcel of Land, except the said Persons in whom the title is vested as aforesaid for the use aforesaid.

II. And be it further enacted, That the said Minister and Elders shall be, and they are hereby incorporated by the name of the 'Minister and Elders of the Kirk of Scotland in the Town of Newcastle,' and shall by that name have perpetual succession, and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take, and hold gifts and grants of Land and Real Estate, the annual income of which shall not exceed the sum of five hundred Pounds, and also to accept of, and receive donations for the endowment of the same.

An Act to continue an Act granting a Bounty on the destruction of Bears in this Province.

Passed 25th March 1831.

BE it enacted by the President, Council and Assembly, that an Act made and passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to grant a bounty on the destruction of Bears in this Province," be and the same is hereby continued and declared to be in force, until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty-six.

An Act to remove doubts respecting the competency of Citizens of the City of John as Witnesses in cases where the Corporation of that City is a party.

Passed 25th March 1831.

WHEREAS doubts have arisen as to the competency of Citizens of the City of Saint John as witnesses in cases where the Corporation of that City is a party:

Be it declared and enacted by the President, Council and Assembly, That no person shall be deemed an incompetent Witness in any case in which the Mayor, Aldermen, and Commonalty of the City of Saint John may be a party or interested, by reason of such person being an Inhabitant, Freeholder, or Freeman of the said City.

An Act to revive an Act, intituled, "an Act for regulating the Courts of Law established in the several Counties for the Trial of Causes to the value of Forty shillings."

Passed 25th March 1831.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the twenty-sixth year of the Reign of His Majesty King George the third, intituled, "An Act for the regulating the Courts of Law established in the several Counties for the Trial of Causes to the value of Forty shillings," be and the same is hereby revived and declared to be in full force for the term of two years, so far as the same relates to the City of Saint John.

NOTICE.

WILL be sold at Public Auction, at Christ Church, Fredericton, on Monday, the 11th of April, the following PEWS, forfeited to the said Church for non-payment of Rent, viz:—

ON THE GROUND FLOOR.	
Nos.	Nos.
4.	32.
8.	34.
9.	37.
17.	50.
18.	51.
30.	54.

THE GALLERY.

By order of the Vestry.
J. SLASON, C. Warden.
Fredericton, March 30, 1831.