

(Continued from our last page.)

For the Appointment of Firewards, and for the better extinguishing of Fires an the town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned," be and the same is hereby continued to be in full force for six years.

An Act to revive an Act, intituled "An Act to prevent Pedlars travelling and selling within this Province without Licence."

Passed 22d March 1834.

E it enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the ninth and tenth year of the Reign of His late Majesto George the Fourth, intituled "An Act to prevent Pedlars travelling and selling within this Province without Licence," he and the same is hereby revived and declared to be in force until the first day of April which will be in the year one thousand eight hundred and thirty nine.

CAP. XIII.

An Act to provide for the punishment of cruelty to Animals. Passed 22d March 1834.

HEREAS it is expedient to prevent the cruel and improper treatment

of Horses, Mares, Geldings, Mules, Asses, Bulls, Cows, Heilers, Steers, Oxen, Sheep, and other Cattle; I. Be it therefore enacted by the Lieutenant Governor, Council and Assemill-treat any Horse, Mare, Gelding, Ass. Bull, Cow, Heiter, Steer, Ox, Sheep, V. And be it enacted, That the several Clerk's of the Peace shall, on or before bly, That if any person or persons shall wantonly and cruelly beat, abuse, or Act. or other Cattle, and complaint thereof on Oath be made to any one of His Ma- the tenth day of December next after the passing of this Act, transmit one copy be and the same is hereby repealed; and in lieu thereof, jesty's Justices of the Peace, within whose jurisdiction such offence shall be com- of such answers and returns as they shall have received in manner aforesaid, mitted, it shall and may be lawful for such Justice of the Peace to issue his together with a list of the Parishes, Districts or Places, within their respective Seine or Seines shall be set within three marine miles of the shore of the main such time as the said Justice shall, at the time of the said conviction, appoint, for that purpose, due answers and returns according to the Schedule to this Act it shall be lawful for the said Justice to commit the said offender to the Com- annexed, the sum of seven shillings and six pence for each and every day that any of the said boats or vessels, until the same shall be examined and approvmon Gaol of the County whereis such offence had been committed, or to the such person shall make it appear to the Justices of the Peace for the several ed of, and the said Buoys h anded by the Overseer or Overseers of the Fishernext legaliv established Lock-up-House, there to be kept, without Bail or Counties at their General Sessions, that he has been actually employed in the Mainprize for a space of time not exceeding Twenty days, unless such fine and services required of him by this Act, the number of days to be certified by the costs shalf be sooner paid; provided always, that if any Person or Persons said Justices at their General Sessions to the Lieutenant Governor or Combrought up before any Justice of the Peace under the provisions of this Act, mander in Chief for the time, being, which said sums in this section mentioned shall elect to have the said complaint, tried at the next General Sessions of the shall be paid out of any monies in the Province Treasury by warrant of the Lieu-Peace, or Court of Oyer and Terminer and General Gaol delivery, to be holden tenant Governor or Commander in Chief for the time being, by and with the in the County in which such offence shall have been committed, and shall advice and consent of His Majesty's Council, in favor of the Clerk of the Peace, make his, her, or their desire known to the said Justice of the Peace, and shall at to be by him paid to the respective persons entitled to the same without any dethe same time tender two good and sufficient sureties for his, her or their appear- duction whatever. ance at the said General Session of the Peace or Court of Oyer and Terminer VII. And be it enacted, That any person appointed under this Act to take and General Gaol delivery, then and in such case the said Justice of the Peace such account as aforesaid, who shall refuse or neglect to perform any of the dusaid sureties in such sum as the said Justice of the Peace in his discretion shall forfeit and pay a sum not exceeding five pounds, nor less than forty shillings, at think proper, not exceeding twenty pounds, conditioned for the appearance of the discretion of the Justice before whom complaint shall be made.

The E it enacted by the Lieutenant Governor, Council and Assembly, That the said party or parties at the next General Sessions, or Count of Oyer and Ter
VIII. And be it enacted, That the several and respective forfeitures and penprity or parties accused shall be brought before him, shall be of opinion, that the offence so complained of is of an aggravated nature, and requires to be exposed as an example to all others in like manner offending, it shall and may he lawful for such Justice of the Peace to bind the party or parties so accused, the offence may be committed. with a surety or sureties, if he shall think them necessary, in such sum not exceeding forty pounds, as he shall see fit, to appear at the next Court of General Sessions of the Peace, or Court of Over and Terminer, to be holden in the County in which the said offence shall have been committed, then and there to

be dealt with according to Law. taken to be a misdemeanor, and punishable as such by fine or imprisonment.

III. And be it enacted, That no person shall suffer any punishment, or pay any fine for any offence committed against the provisions of this Act, unless trict, and by how many Families are they occupied?

shall have been committed. IV. And be it enacted, That no order, or conviction, or other proceedings Third, How many other Houses are uninhabited? to be made or had by or before any Justice of the Peace, by virtue of this Act, shall be quashed, or vacated, for want of form, and that the order of such Jus- actually found within the limits of your City, Parish or District, at the time of tice shall be final, and that no proceedings of any such Justice, in pursuance taking this account, distinguishing Males and Females, and persons above and of this Act, shall be removable into the Supreme Court by Certiorari or other- under sixteen years of age, and people of Colour, and exclusive of men actually

V. And be it enacted, That if any action or suit shall be brought against Service or belonging to Registered Vessels, and Native Indians? any Person or Persons for malicious proceedings under or by colour of this Act, the same shall be a special Action on the case, and shall be commenced within six Calendar months next after every such case of Action shall have accrued; and not afterwards, and the venue shall be laid in the County, City or Place in which the said offence had been committed, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the Genes ral issue, and give this Act and the special Matter in evidence at any trial or trials to be had thereon, and that the same was done in pursuance, and by the authority of this Act; and if the same shall appear to have been so done, or if the said action or suit shall not be commenced within the time before limited or shall be laid in any place other than where the said offence had been committed, then, and in such case, the Jury or Juries shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit or shall discontinue his or their Action or Actions, or if Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid, such Defendant or? Defendants shall have double costs, and shall have such remedy for recovering the same as any Defendant or Defendants hath or may

have for his, her, or their Costs in any other Cases by Law. VI. And be it enacted, that this Act shall continue, and be in force until the first day of Maywhich will be in the year of our Lord one thousand eight hundred and thirty six and no longer.

CAP. XIV.

An Act for taking an account of the Population of this Province.

Passed 22d March 1854

TATHEREAS it is considered expedient to take an account of the total 'number of persons within this Province;' I. Be it enacted by the Lieutenant Governor, Council and Assembly, that the Justices of the Peace in the several Counties in this Province, shall and may and they are hereby required at their first General Sessions to be holden after the receipt of this Act by the Clerk of the Peace for the County as hereinafter provided, or at any Special Session to be for that purpose expressly convened, to appoint such and so many fit Person or Persons within each Town or Parish within their respective Counties, as they shall think expedient, to take an account of the Population thereof in manner hereinalter directed; and if more than one person shall be so appointed for any Town or Parish, then to divide such Town or Parish into convenient Districts, assigning to each person so appointed to take such account, his particular District; which person so appointed to take such account, shall be liable in all respects to the same rules and regulations, penalties and forfeitures, as Town or Parish officers are subject and liable to by virtue of any Law in force for the appointment and regulation of Town or Parish Officers: Provided that the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, shall as soon as fit person or persons as to them shall seem meet, to take such account within the said City, in like manner with the Justices of the Peace for the several Counties at their General or Special Sessions as aforesaid.

II, And be it enacted, That the persons so appointed as aforesaid shall, at the times and in the manner hereinafter directed, severally take an account of the number of Persons who shall be actually found at the time of taking such account within the limits of the Parish, City or District, for which they may be respectively appointed, and shall set down the several particulars respecting the same, according to the form prescribed in the Schedule annexed to this

III. 'And for the more speedy and effectual obtaining of such accounts;' Be it further enacted. That a sufficient number of Printed Copies of this Act, and of the Schedule thereto, such number to be regulated and determined by order of His Excellency the Lieutenant Governor or Commander in Chief for the time, shall, on or before the first day of May next after the passing of this Act, be transmit-

the said several Clerk's of the Peace, shall and they are hereby required, with all convenient speed, to cause the said Act to be distributed among the Justices of An Act to authorize the Justices of the Peace for the County of Westmorland the Peace in the several Counties so that at least one Justice in each Parish may be furnished with one of the said Printed Copies of the said Act, and also to cause two of the said printed Schedules to be delivered to each person appointed as aforesaid to take the account, required by this Act, within the said several and 6 WATHEREAS the sum which the Justices of the Peace for the said

IV. And be it enacted, That the Persons so appointed to take such accounts as the building of a Court House and Gaol, has been found insufficient; respective Counties. aforesaid, shall, with all convenient expedition, after receiving such Schedules, Be it therefore enacted by the Lieutenant Governor, Council and Assembly, the questions contained in the said Schedules, by proceeding from House to House, Acts in force for the assessing, collecting and levying of County rates. or otherwise, as they shall judge expedient for the better execution of this Act; and from such information shall prepare duplicate answers or returns to the said questions, according to the forms prescribed in the said Schedules, and ty, according to the said forms; which oath any such Justice is hereby authorized and required to administer; and the better to enable such persons hereby severally and respectfully authorized and empowered to ask all such questions of the persons, within the Parish, City or District, for which they ber and quality of the Persons constituting their respective families, as shall be ring Fishery in the Parishes of Grandmanan, West Isles, Campo Bello, Penntwenty shillings at the discretion of the Justice before whom complaint thereof manan, West Isles, Campo Bello, Pennfield, and Saint George in the County shall be made, and the said persons so appointed as aforesaid to take such ac- of Charlotte, and to provide for the inspection of smoked Herrings in the said counts, shall deliver or transmit their several and respective answers and re- Parishes" be and the same are hereby severally continued, except as hereinafpective Counties on or before the first day of December next after passing this remain in full force until the first day of May which will be in the year of our

shall receive the recognizance of such party or parties with his, her or their ties required of him by this Act, shall for each and every such refusal or neglect

SCHEDULE.

Questions, to which, by directions of an Act of Assembly passed in the fourth year of the reign of His Majesty King William the Fourth, intituled, " An Act for taking an Account of the Population of this Province," written answers, in Courts of General Sessions of the Peace in this Province, or the Courts of Oyer duplicate, are to be returned by the persons appointed under and by virtue of and Terminer and General Gao! Delivery respectively, shall be deemed and the said Act, to take such account, signed and attested upon oath by such persons respectively.

First, How many Inhabited Houses are there in your City, Parish or Dis-

Fourth, How may persons (including children of whatever age) are there serving in His Majesty's Regular Forces, and of Seamen either in His Majesty's

Fifth, Are there any matters which you think it necessary to remark in explanation of your answers to either of the preceding questions?

| anne & do- cription of arish or C- arish of this Frontier.  The above mentioned A. B. was swonn this  arish or C- arish or |
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to levy an assessment upon the Inhabitants of said County, to discharge the debts due from the said County.

Passed 22 1 March 1834. \* County were empowered to raise by assessment on said County for

and within such time as will enable them to deliver or transmit their respective That the said Justices of the Peace for the said County of Westmorland, at and within such that the leave by the day hereinafter limited any General Sessions of the Peace hereafter to be holden, be and they are for that purpose, proceed to take an-account, in writing, of the number of Per- hereby authorized and empowered to make such further rate and assessment, sons at the time of taking such account being within the limits of the Parish, not exceeding two hundred and fifty pounds, as they in their discretion may City or District for which they may be respectively appointed as aforesaid, and think necessary, for the purpose of discharging the debts due from the said Couninform themselves of the several particulars relating to the matters specified in ty of Westmorland, the same to be assessed, collected and paid agreeably to any

CAP. XVI.

Passed 22d March 1834. may be respectively appointed as aforesaid respecting themselves and the num- late Majesty King George the Fourth, intituled "An Act to regulate the Hernecessary for stating the particulars required to be stated concerning them in field and Saint George in the County of Charlotte, and to provide for the inthe said answers and returns, and every person refusing to answer, or willully spection of smoked Herrings, in the said Parishes;" and also an Act made and giving a false answer : a such questions or any of them, shall for every such re- passed in the first year of the Reign of His present Majesty, intituled "An fusal or talse answer forfeit a sum not exceeding three pounds nor less than Act to regulate the Herring Fishery in the Parishes of Grandturns, in duplicate as aforesaid, to the Clerk's of the Peace, for the several and res- ter repealed, and shall, together with the amendments hereinafter made, be and

Lord one thousand eight hundred and thirty seven. II. And he it enacted, That the first Section of the said last mentioned Act.

Summons or Warrant, at his discretion, to bring the party or parties so com- Counties from which no teturns may have been received, to the office of the Island of Grandmanan, or of any of the Islands adjacent thereto from the plained of before him, or any other Justice of the Peace having jurisdiction Secretary of the Province, and shall place and keep the other Copy of such anwithin the County, City or place, where the said offence shall have been com- swers and returns, on file in their Offices respectively, and the answers and Provided always, nevertheless that nothing herein contained shall extend or be mitted, who shall examine upon Oath any witness or witnesses, who shall ap- returns which shall be so transmitted to the Office of the Secretary of the construed to extend to boats and vessels of not less than fifteen feet keel, and pear or be produced to give evidence touching such offence; which Oath, the Province, shall be digested and reduced into order by such officer or person as not exceeding fifteen tons burden; which boats and vessels are hereby respectivesaid Justice is hereby authorized and required to administer; and if the said the Lieutenant Governor or Commander in Chief for the time being, shall sp- ly allowed and permitted to use a Net not exceeding fifteen fathoms long; and party or parties so accused shall be convicted of any such offence, either by his, point for that purpose, and an abstract thereof shall be laid before the General provided also, that nothing herein contained shall extend or be construed to so convicted, shall forfeit and pay any sum not exceeding five Pounds, nor less VI. And be it enacted, That there shall be allowed and paid out of the Prothen ten shillings, at the discretion of the said Justice, to be paid over to the o- vince Treasury to each Clerk of the Peace for the services required of him by verseers of the Poor of the Town or Parish where such offence shall have been this Act, the sum of ten pounds; and to each and every person appointed and fifteen tons, provided the same shall not exceed forty fathoms in the whole; committed, for the use of the Poor thereof, and if such fine, together with the employed under this Act to take such account as aforesaid, who shall make and and provided also, that all such hoats and vessels so fishing within the said costs, if ordered, shall not be paid either immediately after conviction or within transmit to the Clerk of the Peace, of the County by the day-hereinbefore limited prescribed period shall not be paid either immediately after conviction or within transmit to the Clerk of the Peace, of the County by the day-hereinbefore limited prescribed period shall not be paid either immediately after conviction or within transmit to the Clerk of the Peace, of the County by the day-hereinbefore limited prescribed period shall not be paid either immediately after conviction or within transmit to the Clerk of the Peace, of the County by the day-hereinbefore limited prescribed period shall not be paid either immediately after conviction or within transmit to the Clerk of the Peace, of the County by the day-hereinbefore limited prescribed period shall not be paid either immediately after conviction or within transmit to the Clerk of the Peace, o Scale Fisheries; and provided further that no Nets or Buoys shall be used by

IV. And he it enacted, That the Overseer or Overseers of the Fisheries of the said Parish of Grandmanan appointed by any Act or Acts now in force, shall be sworn to the due and faithful performance of his or their duty according to the true intent and meaning of this Act, and shall be entitled to ask, demand, and recover from the person or pensons applying to have his or their Nets examined, and Buoys branded, in obedience to the provisions of this Act, the sum of three shillings, and no more, for performing his or their duty in that behalf.

CAP. XVII

An Act to facilitate summary proceedings before Justices of the Peace, and the execution of Warrants by Constables.

Passed 22nd March 1884.

miner and General Gael delivery of the said County, as the case may be, to alties hereinbefore mentioned, shall and may be recovered upon complaint made force or hereafter to be made, any penalty or forfeiture is or shall be directed answer to the said complaint and abide by the judgment of the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in before any Justice of the Peace for the Court, in the Court of the Peace for the Peace f case the Jury shall convict the said party or parties; and provided also, that if mitted, upon the oath of one or more credible witness or witnesses, and be levied and recovered by Warrant of Distress of the offender's the said Justice of the Peace, on examining into the said complaint, when the by distress and sale of the goods and chattels, under the hand and seal of such Justice, or hands and seals plus, (if any,) after deducting the costs and charges of prosecution and sale, to of such Justices, unless otherwise expressly directed by the Acts aforesaid imsuch offender, and to be applied, one half to the use of the person who shall posing such penalty or forfeiture, and it shall and may be lawful for such Jussue for the same, and the other half to the use of the poor of the Parish where lice or Justices granting such Warrant therein to order and direct the goods and chattels so to be distrained, to be sold and disposed of within a certain time to be limited in such Warrant, so as such time be not less than two days, nor more than four days, unless the penalty or sum of money for which such distress shall be made, together with the reasonable charges of taking and keeping such distress he sooner paid; and that in any case where the Justice or Justices is or are empowered to award costs to be paid by the offender, it shall and may be lawful for such Justice or Justices to include the same in the warrant of distress and sale, specifying the amount so awarded for costs in such warrant, and therein directing the same to be levied, in addition to the penalty in which the party may have been convicted, by distress and sale of the offender's goods and chattels.

II. And be it enacted, That the officer making such distress, shall and is the prosecution for the same be commenced within ten days after the offence | Second, How many Houses are now building, and therefore not yet inhabit- hereby empowered to deduct the reasonable charges of taking, keeping, and selling such distress, out of the money arising by such sale, and the overplus (if any) after such charges, and also the said penalty or forfeiture and costs (iffany) mentioned in such warrant, shall be fully satisfied and paid, shall be returned on demand to the owner of the goods and chattels so distrained, and the officer executing such warrant, if required, shall shew the same to the person whose goods and chattels are distrained, and shall suffer a copy thereof to be taken.

III. And be it enacted, That wherever in any Act of the Imperial Parliament as aforesaid, any penalty or forfeiture is or may be recoverable before any Justice or Justices of the Peace, and no authority is thereby given to commit any offender or offenders in default of payment of such penalty or forfeiture, or of goods and chattels whereon to distrain, such Justice or Justices is or are hereby empowered, in default of payment of such penalty or forfeiture, and for want of sufficient goods and chattels of the offender whereon to levy such penalty or forteiture, together with the charges of distraining and selling the same, to commit the offender to the Common Gaol or House of Correction, for such space of time not exceeding three months, as he or they in his, or their discretion shall think fit.

IV. And be it enacted, That wherever in any Acts as aforesaid, any penalty or forfeiture, is or may be recoverable before any Jestice or Justices of the Peace, and such Justice or Justices is or are empowered by such Acts as aforesaid, or by this Act, in default of payment of such penalty or forfeiture, or for want of sufficient goods and chattels of the offender whereon to levy such penalty to. gether with the charges of distraining and selling the same, to commit the offender to the Common Gaol or House of Correction; then in case it shall appear to such Justice or Justices, either by confession of the party or otherwise, that he hath not sufficient goods and chattels within the jurisdiction of such Justice or Justices whereon to levy such penalty or forfeiture, costs and charges, such Justice or Justices at his or their discretion, and without issuing any warrant of Distress, may proceed in such and the like manner as if a Warrant of Distress had been issued, and a nulla bona returned thereon : and it shall be lawful for such Justice or Justices to issue forth his or their Warrant for com. mitting such offender to the Common Gaol or House of Correction for such time and in such manner as in such Acts as aforesaid, or this Act, are respectively mentioned and directed; and such Justice or Justices may also in such case keep and detain the said offender in custody after conviction until the warrant for his commitment is prepared.

V. And be it enacted, That in the case of any offender committed to the Common Gaol or House of Correction for default of payment of such penalty or forfeiture, and any costs or charges attending the conviction, if such offender shall at any time during the period of his or their imprisonment pay or cause to be paid to the keeper of the prison the full amount of such penalty or forfeiture, together with the costs and charges, it shall be lawful for such keeper of such prison, and he is hereby required forthwith to discharge such offender from his custody; and such keeper shall immediately give notice thereof to the Justice or Justices by whom the commitment may have been made, and pay over to him or them the money so received from the offender, to be by such Justice or Justices paid, distributed, or applied as the Acts aloresaid may direct.

VI. And whereas cases may occur where the recovery of such penalty or for-· feiture, by distress and sale of the offender's goods and chattels, may appear to the Justice or Justices of the Peace to be attended with consequences ruin-'ous, or in an especial manner injurious to the offender and his family;' Be it enacted, that the Justice or Justices shall be empowered, and they are hereby authorized, in all cases and upon all such occasions as to them shall seem fit, and where such consequences are likely to arise, to cause to be withheld the issue of any warrant of Distress, and to commit the offender aforesaid, immediately after conviction and in default of payment of the penalty or forfeiture with costs and charges, (where such shall be adjudged,) to the common Gaol or House of Correction, for such time and in such manner as are in such Acts as aloresaid respectively mentioned and directed; Provided always, that it be by the desire, or with the consent, in writing, of the party upon whose property the penalty or forfeiture is to be levied.

VII. 'And whereas inconveniences often arise in summary proceedings before 'Justices of the Peace, from a want of a General form of conviction ? Be it enacted, That in all cases where a conviction shall take place, and no particular form for the Record thereof hath been directed, the Justice or Justices duly authorized to proceed summarily therein, and before whom the offender or offen. ders shall be convicted, shall and may cause the Record of such conviction to be drawn up in the manner and form following, or in any words to the same effeet mutatis mutandis; (that is to say.)

To be continued in our next.

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