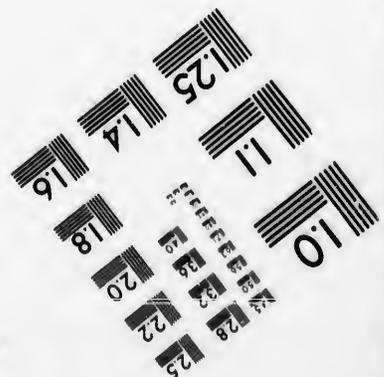
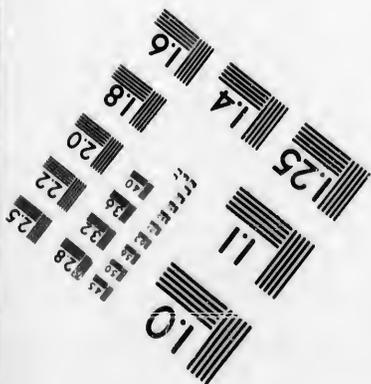
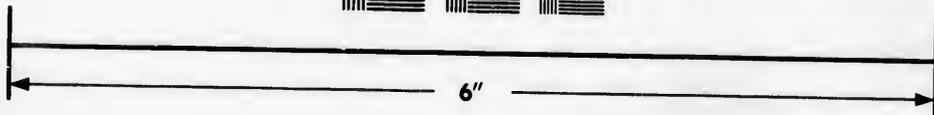
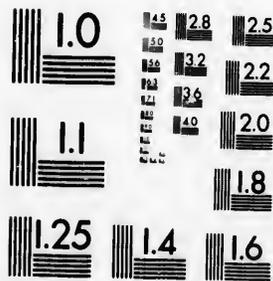


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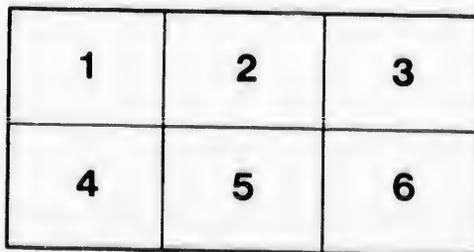
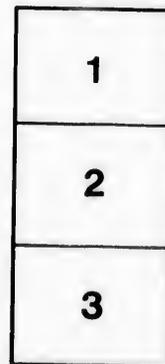
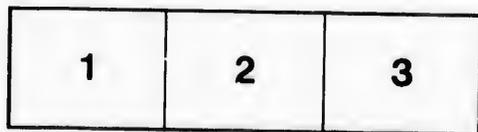
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BYE-LAWS,
RULES AND REGULATIONS
OF THE
COUNTY COUNCIL
OF THE
MUNICIPALITY OF YORK.

**ALSO,—Extracts from Province Acts, for the
Guidance of Parish Officers.**

FREDERICTON, N. B.

PRINTED AT THE "REPORTER" OFFICE,

1870.

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RULES AND REGULATIONS.

Regulations for the Management and Good Order of the Proceedings of the Council.

Passed 17th January, 1862.

I. The Chair shall be taken precisely at the hour named for Meeting. When no hour is named, the Chair shall be taken at ten o'clock, A. M. On the appearance of a quorum, the Chairman shall call the Councillors to order, and the minutes of the preceding Meeting shall be then read.

II. Before it shall be competent for any Councillor to make a motion, the Chairman shall have the privilege of bringing such matters as he may have in charge before the Council. He shall have the same privilege at any time except when a question is actually under debate.

III. The Chairman shall preserve order and endeavor to conduct all business to a speedy and proper result. Nothing but the business before the Council shall be talked of until the Chair is vacated.

IV. The Chairman shall state every question properly presented to the Council; and before putting it to vote shall ask "Is the Council ready for the Question?" Should no Councillor offer to speak, he shall proceed with the question, after which no member shall be permitted to speak upon it.

V. His decisions on points of order shall not be debateable unless entertaining doubts upon the subject, he invites discussion. He may speak to points of order in preference to other Councillors, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the Council by any two Councillors. On such appeal no Councillor shall speak more than once.

VI. When an appeal is made from his decision he shall put the question "shall the decision of the Chair be sustained?"

VII. It shall be the duty and the privilege of any Councillor to call a member to order who violates any established Regulation or Rule of Order.

VIII. A motion must be seconded, and afterwards repeated from the Chair, or read aloud, before it is debated. It shall be reduced to writing if any member require it.

IX. All Resolutions shall be submitted in writing.

X. No Councillor shall speak more than twice upon any question, except in explanation; and the originator of the motion shall have the general reply. The Council may give any member special leave to speak oftener.

XI. While the Council is sitting, and any Councillor is speaking, no member shall be allowed to speak or whisper so as to interrupt him, unless it be to speak to order, or to ask the Chairman for leave to explain. Leave to explain shall only permit the explanation of an actual misunderstanding of language.

XII. When any Councillor intends to speak, he must stand up and respectfully address the Chair, and confine himself to the question under debate. He must avoid personalities and unbecoming language, and sit down when he has finished. If more than one rise at a time the Chairman shall determine who was up first, and the member named by him may speak.

XIII. No Councillor shall stand while another is speaking.

XIV. When any Councillor speaks to order, the question of order must be decided before the subject under discussion is proceeded in.

XV. When any question is called for, and a division demanded, the Councillors voting in the affirmative shall rise.

XVI. When a motion is made and seconded, it must be determined by the question being put, unless it is withdrawn by the mover, or the adjournment is moved.

XVII. When any motion is put from the Chair, and an amendment is moved thereto, no amendment to such amendment shall be allowed.

XVIII. An amendment to a Resolution shall be put from the Chair, and decided first, and the original Resolution shall not be put unless the amendment is decided in the negative.

XIX. On an amendment to "strike out and insert," the paragraph to be amended shall first be read as it stands; then the words proposed to be struck out and those to be inserted; and finally the paragraph as it would stand if so amended.

XX. On a call for a division of the question, the majority shall decide. The call shall only be granted where the division for will produce distinct and entire propositions

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XXI. Any question decided by the Council shall be open for reconsideration

XXII. When a Councillor is called to order he shall keep his seat until the point is determined.

XXIII. If any Councillor in speaking impeach the motives of another Councillor, or treat him with personal disrespect, or pass between him and the Chair while he is speaking, or use unbecoming language, or wilfully violate any of the Regulations or rules of order, he shall be deemed guilty of a violation of order, and may be censured by the Chairman.

XXIV. If a Councillor shall deem himself personally aggrieved by a decision of the Chair, he, seconded by any other Councillor, may appeal from such decision to the Council.

XXV. Any conversation, by whispering or otherwise, which is calculated to disturb a Councillor while speaking, or hinder the transaction of business, shall be deemed a violation of order, and if persisted in shall receive censure.

XXVI. Every member shall be heard in his place touching any charge brought against him, as such, or any motion respecting his election, return or privilege, or whenever his private interest is effected, but shall withdraw before the Council proceed therein.

XXVII. When any question is decided by vote, the names or numbers of those voting both in the affirmative and negative, shall be entered in the minutes if required by any three Councillors.

XXVIII. When any Councillor presents a petition, he shall acquaint the Council with its purport, and ask leave for it to be read, which must be seconded before it is read.

XXIX. When any question is before the Council, the only motions in order shall be—

1st—To adjourn.

2nd—To lie on the table.

3rd—To postpone indefinitely.

4th—To postpone to a definite period.

5th—To amend; or

6th—To refer.

XXX. A motion to adjourn shall always be in order except in the following cases.

1st—When a member is in possession of the floor.

2nd—While the yeas and nays are being called.

3rd—While the members are voting.

4th—When adjournment was the last preceding motion.

XXXI. The following questions shall be decided without debate:—

1st—A motion to adjourn, when to adjourn simply.

2nd—A motion to lie on the table, when claiming privilege over another motion.

3rd—A motion to reconsider.

4th—All motions as to priority of business or taking up particular business.

5th—Applications for leave to speak more than the prescribed number of times.

XXXII—When the Council make any order or express any decision, the form of such order or decision shall be "RESOLVED" or "ORDERED," or any other fit word, so that the meaning be clear.

XXXIII. The Secretary-Treasurer shall notify the first Councillor named on any Committee, of his appointment, by furnishing him with a copy of the Resolution appointing the Committee.

XXXIV. In communicating copies of Resolutions, or Extracts from the Minutes or proceedings of the Council, it shall not be necessary for the Secretary Treasurer to communicate the names of the Councillors present, or of the movers of the Resolutions, or any other circumstance than the order or result determined upon.

XXXV. The mover or proposer of any question which shall be referred to a Committee, shall always be named as a member of such Committee, unless he be incompetent, or excused by a majority of the Councillors present, at his own request.

WM. WHITEHEAD,
WARDEN.

H. B. RAINSFORD, Jr.,
SECRETARY TREASURER.

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BYE-LAWS.

A BYE-LAW,

Repealing Bye-Laws of Municipality up to January Meeting, 1862.

Passed 17th January, 1862.

Be it Ordained, By the County Council of the County of York, that the following Bye-Laws passed by this Municipality, viz :—

A Bye-Law relating to contested Elections of Councillors for the County Council of the County of York ;

A Bye-Law to provide for the support of the Poor in the Municipality of York ;

A Bye-Law to prevent disorderly Riding and Driving within the limits of the Municipality of York ;

A Bye-Law relating to Ferries within the limits of the Municipality of York ;

A Bye-Law relating to the Elections of Councillors to serve in the County Council of the County of York ;

A Bye-Law relating to the payment of monies ordered to be paid by the County Council of the Municipality of York ;

A Bye-Law to regulate Public Exhibitions within the limits of the Municipality of York ;

A Bye-Law relating to the Common Seal of the Municipality of York ;

A Bye-Law to define the Gaol Limits of the County of York ;

A Bye-Law relating to the Commissioners of High Ways within the limits of the Municipality of York ;

A Bye-Law relating to Parish Officers in the Municipality of York ;

A Bye-Law relating to the attendance of Councillors at the several meetings of the Council of the County of York ;

A Bye-Law to provide for the election of Councillors and other Parish Officers in the Parish of Douglas ;

A Bye-Law relating to Bye-Road Commissioners within the Municipality of York ;

A Bye-Law relating to the going at large of Cattle within the limits of the Municipality of York ;

A Bye-Law relating to the Low Lands and Islands within the limits of the Municipality of York ;

A Bye-Law to prevent the running at large of Rams within the Municipality of York ;

A Bye-Law relating to certain Parish Officers in the Municipality of York ;

A Bye-Law further relating to the going at large of Cattle within the Municipality of York ;

A Bye-Law relating to the Overseers of the Poor for the County of York ;

A Bye-Law to provide for the Election of Councillors and other Parish Officers for the Parish of Queensbury ;

A Bye-Law to provide for the Surveyors of Roads in the several Parishes in the County of York to receive money in lieu of Statute labour, instead of the Commissioners, and to expend the same in the district from which it is collected ;

A Bye-Law to provide for the Assistants of Surveyors of Lumber for the County of York to be duly sworn ;

Be and the same are hereby repealed on the first day of April next, provided that any offence committed, or any Act, matter or thing done, or license granted under, by or against any of the foregoing Bye-Laws, previous to the operation of this Bye-Law, shall not be effected by this Bye-Law.

A BYE-LAW

Relating to Contested Elections of Councillors for the County Council of the County of York.

Passed 17th January 1862.

I. *Be it Ordained* by the Municipality of York, that whenever any person or persons intend to Contest the Election of any Councillor returned to serve in the County Council of the County of York, a petition setting forth the grounds of complaint shall be presented to the Council on the first day of its next meeting after the election complained of shall have been held.

II. *Be it Ordained* That if the Council shall be of opinion that there are sufficient ground of complaint to warrant an investigation, a Committee of five members shall be appointed to examine into the matter, who shall bear the parties and their evidence and report thereupon to the Council.

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III. *Be it Ordained*, That if a majority of such Committee shall not report upon the question within such time as they may be required by the Council, the Council may proceed to determine the same without such report; and the said Committee shall be thereupon discharged. And if a majority of such Committee shall report within such time as they may be required by the Council, the Council shall forthwith proceed upon such report, and finally determine the question.

IV. *Be it Ordained*, That if the Council think proper, they shall have power to adjourn such investigation from time to time, and from the first meeting to the next meeting, and to order County or Parish Officers, or any other persons, to appear before them or before such Committee.

V. *Be it Ordained*, That any person refusing to obey such order, or appearing and refusing to give evidence before such Council or Committee, shall for each offence forfeit and pay the sum of five pounds, or be imprisoned in the common goal of the County for the space of thirty days, in default of such payment.

Be it Ordained, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

To provide for the Support of the Poor in the Municipality of York.

I. *Be it Ordained*, by the Municipality of York, that the Overseers of the Poor for the different Parishes in the County of York, shall on the first day of the first semi-annual meeting of the County Council in each year, lay before the Council a correct statement of the number and condition of the poor in their several Parishes, and the sum required therefor, which statement the Council shall examine.

II. *Be it Ordained*, That if an assesment for the sum so required by the Overseers of the Poor for any Parish be recommended by the Councillors for such Parish, the Council shall forthwith order the same by warrant to be assessed and collected in the manner prescribed by law.

Be it Ordained, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

To Prevent Disorderly Riding and Driving within the limits of the Municipality of York.

I. *Be it Ordained*, by the Municipality of York, that if any person shall ride a horse race upon any highway road within the limits of this Municipality, or if the owner or person having charge of any horse or mare, shall allow such horse or mare to run a race upon any such highway road, every such person shall be liable to a penalty of twenty shillings for each and every offence.

II. *Be it Ordained*, That no person shall ride or drive any horse or other animal upon any such highway road in such a manner as to obstruct the passage or endanger the safety of any other person, under a penalty of twenty shillings for each and every offence.

III. *Be it Ordained*, That any person driving any carriage, waggon, cart, dray, sled, sleigh, or other vehicle, or riding upon any highway within the limits of this Municipality, who shall meet or be overtaken by any other person or persons driving or riding on such highway, shall keep his or her carriage, waggon, cart, dray, sleigh, sled, or other vehicle as aforesaid, or his or her horse, on the left or near side of the said road, so as to give such other person or persons one half the said road; and any person neglecting or refusing so to do, or in any manner negligently or wilfully preventing, hindering, or obstructing the free passage of any person, or any carriage, waggon, cart, dray, sleigh, sled, or other vehicle as aforesaid, under his or her care, upon such road, shall for each and every offence be liable to a penalty of forty shillings; provided that the owner or driver of any loaded carriage, waggon, cart, dray, sled, sleigh, or other vehicle, shall not be compelled to turn out or give half the road to any unloaded carriage, waggon, cart, dray, sled, sleigh, or other vehicle of any kind, during the winter months, but that in such case the owner or driver of such loaded vehicle as last mentioned, shall upon request, stop at some convenient place in the said road, and allow such unloaded sled, sleigh, or other carriage or other vehicle to pass, under a penalty of twenty shillings for every such neglect or refusal.

IV. *Be it Ordained*, That any rules or regulations passed at the Court of General Sessions of the Peace in the said County,

held on the second Tuesday in January, one thousand eight hundred and fifty three, or at any other time, for preventing disorderly driving in the said County, under the powers and provisions of any of the Acts of the General Assembly of this Province, be, and the same are hereby repealed; provided that any offence committed previous to the passing of this Bye-Law, or any matter or thing done under any of the said rules and regulations while the same were in force, shall not be effected by this Bye-Law.

Be it Ordained, That this Bye-Law shall not come into force until the first day of April, A. D., 1862.

A BYE-LAW

Relating to the Ferries within the limits of the Municipality of York.

I. *Be it Ordained* by the Municipality of York, That the following Ferries shall be established within the limits of this Municipality:—

1st—The Ferry across the River Saint John, from Hawkins' to Crock's Point.

2nd—The Ferry across the River Saint John at Burgoine's.

3rd—The Ferry across the River Saint John, from David Patterson's, in the Parish of Southampton, to the late John Dow's, in the Parish of Canterbury.

4th—The Ferry across the mouth of the River Nashwaak.

II. *Be it Ordained*, That the right of Ferrying at each of the said Ferries shall be sold at Public Auction on the first Monday in April, annually, to the highest bidder, by the several Parish Clerks; as follows, that is to say: The Ferry from Hawkins' to Crock's Point by the Parish Clerk for the Parish of Douglas; the Ferry at Burgoine's by the Parish Clerk for the Parish of Queensbury.

The Ferry between David Patterson's and the late John Dow's by the Parish Clerk of the Parish of Southampton.

The Ferry across the Mouth of the River Nashwaak by the Parish Clerk of the Parish of St. Mary's.

And it shall be the duty of each of the said Parish Clerks to give ten days public notice of such sales previously thereto, and within ten days after such sales make a return of the proceeds thereof, and their proceedings, to the Secretary Treasurer for the benefit of the County.

III *Be it Ordained*, That the several persons who shall be the highest bidders in the said several Parishes, and be so returned to the Secretary Treasurer by the said several Parish Clerks, shall forthwith apply for Licenses under the seal of this Municipality, signed by the Secretary Treasurer, which shall be granted to them on their each paying the sum at which the said several Ferries shall be so sold, and shall duly take out the same before they act in such capacity; and any Ferryman acting without such License, (servants and assistants to Ferry-men excepted;) and any unlicensed person who shall within one mile of a Licensed Ferry receive pay or compensation for ferrying, shall incur a penalty as hereinafter provided.

IV. *Be it Ordained*, That each Licensed Ferryman shall at all times keep a sufficient number of good, efficient, and safe boats and scows, clean and in good order, properly floored, for the conveyance of passengers, horses, carriages, teams, loaded and unloaded, cattle, &c. &c.

V. *Be it Ordained*, That each Licensed Ferryman shall always provide himself with a printed copy of the Bye-Laws, fares, rules and regulations, relating to Ferries, and shall exhibit and show the same to any passenger who may require it, and shall have such Bye-Laws, fares, rules and regulations, always fixed or hung up in some conspicuous part of his boat.

VI. *Be it Ordained*, That the most prompt attention shall at all times be shewn to the ferriage of passengers, and for any unnecessary or unreasonable detention, the Ferryman shall incur a penalty as hereinafter mentioned, unless he can shew to the satisfaction of the Magistrate before whom complaint shall be made, that such detention was unavoidable; and no Ferryboat shall be taken off its line under any pretence whatever.

VII. *Be it Ordained*, That in case of any vacancy occurring by the death or removal of any Licensed Ferryman, such vacancy may be filled up, and a new License granted by order of the Warden, subject to the approval of the Council, at the next meeting.

VIII. *Be it Ordained*, That each Licensed Ferryman is hereby distinctly made liable and answerable for the negligence, misconduct, or omission of his assistants and servants employed in and about such Ferry, and shall be liable for all the pains, penalties, and forfeitures incurred by them.

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IX. *Be it Ordained*, That the established hours of Ferriage during the season be from sunrise till ten o'clock at night; but every Ferryman shall ferry passengers when required, at all times of night, after ten o'clock, receiving double fare therefor.

X. *Be it Ordained*, That for each and every breach of or offence against these Bye-Laws, Rules and Regulations, or any of them, or for demanding or receiving a greater rate of fare or ferriage than is herein allowed, the party offending shall forfeit and pay a sum not exceeding five pounds nor less than five shillings, upon complaint made and duly proved before any one of Her Majesty's Justices of the Peace for the County of York, which shall be levied and applied as the Law directs.

XI. *Be it Ordained*, That there be allowed to every Licensed Ferryman within the limits of this Municipality, for the following services, the following

FARES FOR FERRYING,

and no greater:—

For every foot passenger, four pence.

For every child under twelve years, two pence.

For horses, oxen, cows, and of their kind, over one year old, including the person in charge, eight pence.

For a colt, calf, sheep, or hog, including the person in charge, six pence.

For a four wheeled carriage or waggon, with two horses or oxen and driver, 1s. 6d.

For a four wheeled carriage or waggon, with one horse and driver, 1s.

For a two wheeled cart or carriage, with two horses or oxen and driver, 1s 6d

For a two wheeled cart or carriage, with one horse and driver 1s.

For all loads of hay, straw, or firewood, drawn by two horses, 1s. each.

For all loads of hay, straw or firewood, drawn by one horse, 6d. each.

For all loads of other articles, drawn by two horses or oxen, 8d each.

For all loads of other articles, drawn by one horse, 4d. each.

Half of the above rates of fares to be allowed for the Ferry across the mouth of the River Nashwaak.

XII. *Be it Ordained*, That a sufficient scow to pass at least a double waggon and two pairs of horses at a time, to be tight, with a drop at each end, floored, and a bar of iron to run through eyes about a foot above the gunwale, be provided by the Ferryman at Burgoyne's Ferry.

XIII. *Be it Ordained*, That all Ferrymen within the limits of this Municipality, are hereby required in every particular to conform to and observe the above rules and regulations, and obey this Bye-Law in every respect.

XIV. *Be it Ordained*, That any rules and regulations passed at the Court of General Sessions of the Peace for the said County, held on the second Tuesday in January, one thousand eight hundred and forty-eight, or at any other time, relating to Ferries in the County of York, under the powers and provisions of any of the Acts of the General Assembly of this Province, be, and the same are, so far as the same or any of the same relate or extend to any Parish within the limits of this Municipality, and so far as any of the same may in any way affect this Municipality or any Ferry under the control of the County Council of the County of York, hereby repealed, provided that any offence committed previously to the passing of this Bye-Law, or any matter or thing done, or License granted under any of the said rules and regulations while the same were in force, shall not be affected by the Bye-Law.

Be it Ordained That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

Relating to the Election of Councillors to serve in the County Council of the County of York.

I. **BE IT ORDAINED**, by the Municipality of York, That at any and every election of Councillors to serve in the County Council for the County of York, the name of no person shall be received as a candidate, and no person shall be allowed to be proposed for the office of Councillor, unless his name be publicly proposed to the Chairman of the Meeting within one half-hour after the opening of the Poll, which shall be done without debate.

II. **BE IT ORDAINED**, That no votes shall be polled at any such Election for any such Councillor, until after the Chairman

shall have publicly stated to the meeting the names of all the candidates so proposed, which he shall do immediately upon the expiration of the said half-hour.

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862

A BYE-LAW

Relating to the payment of Moneys ordered to be paid by the County Council of the County of York.

I. BE IT ORDAINED, by the Municipality of York, That all moneys which shall from time to time be appropriated by the County Council of the County of York, for any purpose, and by them ordered to be paid, shall be drawn and paid by the Secretary Treasurer, from the funds belonging to this Municipality in his hands, upon an order signed by the Auditor, in favor of the person to whom the same is ordered to be paid, which order shall be a sufficient authority therefor.

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

To Regulate Public Exhibitions within the limits of the Municipality of York.

I. BE IT ORDAINED, by the Municipality of York, That before any exhibition or performance of wild animals, showmen, circus-riding, gymnastic feats or such acts or feats as common showmen or circus-riders usually exhibit, shall be allowed to be held or take place anywhere within the limits of this Municipality, the owner or owners, agent or agents, manager or managers, or person or persons appearing to be in charge thereof, shall be required to pay to the Secretary Treasurer a duty not less than five pounds nor more than ten pounds at the discretion of the Warden, Secretary Treasurer or any Councillor.

II. BE IT ORDAINED, That if any person or persons shall hold or give, or commence or attempt to hold or give any such exhibition or performance without having first paid such duty and obtained a License for holding such exhibition, such person or persons shall be subject to a fine of five pounds each time when such exhibition or performance shall be held or given, or attempted to be held or given, to be levied by summary distress

before a Justice of the Peace, upon the goods and chattels and property of or belonging to such exhibition, whether the owner shall be known or not

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

Relating to the Common Seal of the Municipality of York.

I. BE IT ORDAINED, That the Common Seal of this Municipality shall remain in the custody of the Secretary Treasurer, and shall in all cases in which the manner of affixing such seal may not be otherwise directed by the County Council, be affixed by him to all leases, licenses, contracts, and other instruments, and writings, which shall from time to time be made, granted, issued, or entered into, by order of the County Council, or which are or may be otherwise provided for by law, and the Secretary Treasurer shall sign his name to all writings, or instruments of any kind, to which the Common Seal shall be affixed by virtue of this Section.

II. BE IT ORDAINED, That the County Council shall have full power and authority at any time, to direct the manner of affixing such seal to any document or writing, in any other manner than is herein provided.

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

To define the Goal limits of the County of York.

I. BE IT ORDAINED, by the County Council of the County of York, That the Goal limits of the County of York shall extend from the Common Goal of the said County in the City of Fredericton, the distance of three miles in every direction, and that the limits of the said Goal shall include a circle around the said Goal of that extent

II. BE IT ORDAINED, That all rules and regulations heretofore existing, or made by the General Sessions of the Peace for the said County for the purpose of defining the said Goal limits be and the same are hereby repealed

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

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A BYE-LAW

Relating to the Commissioners of Highways within the limits of the Municipality of York.

I. BE IT ORDAINED, by the Municipality of York, that the Commissioners of Highways in and for any parish within this Municipality or a majority of them, shall have full power and authority, and they are hereby required upon application of any person interested, in any and every instance where any alteration or alterations shall have been hitherto made, or shall be hereafter made, by or under the direction of any supervisor or supervisors of Great Roads, or any Commissioner or Commissioners of Highways, or any other person or persons under or by virtue of any Law of this Province, and the old road or portion of land between the points of such alteration, shall not have been or shall not be closed up at the time of such alteration, and the same shall not be settled by the erection of a dwelling-house or dwelling-houses thereon, or where the closing up the same shall not cut off any proprietor of land adjoining the said old road or roads from the new road or roads, made in consequence of such alteration, and if such commissioners or a majority of them, shall consider the new roads equally good and passable as the old road, to direct that the said part or parts between the points of such alteration, and the whole of the said old road or roads, shall be stopped up and enclosed by the proprietor or respective proprietors of the lands between such points, in such manner as such Commissioners, or majority of them, shall direct. And if any such proprietor or proprietors shall not stop up and enclose such old road or roads, to the satisfaction of such Commissioners, or a majority of them, within one week after he or they shall be so directed to stop up and enclose the same, the said Commissioners, or a majority of them, are hereby authorised, empowered, and required immediately to cause the same to be stopped up and enclosed. And after any such old road or roads shall be stopped up and enclosed, either by the said proprietors or Commissioners, the same shall no longer be, or be considered public.

II. BE IT ORDAINED, That such Commissioners so stopping up and enclosing any such old road shall be entitled to sue for and recover, in the name of the said Commissioners so stopping up and enclosing any such old road, all the costs and expenses of so stopping up and enclosing the same from the person or per-

sons whom they shall have so directed to stop up and enclose the same, and who shall have neglected so to do, with costs of suit, before any Justice of the Peace for the said County of York, if under five pounds, or before any Court of competent jurisdiction if over that sum.

III. BE IT ORDAINED, That if any proprietor or proprietors shall neglect or refuse to obey such direction of such Commissioners, or a majority of them, such proprietor or proprietors shall for each and every day he shall disobey such directions forfeit and pay a penalty or sum of One Pound, to be recovered and appropriated as other fines and penalties for any offence against the Bye-Laws of this Municipality are recovered and appropriated.

IV. BE IT ORDAINED, That it shall be the duty of the said Commissioner of Highways in the several Parishes in this Municipality, in the month of October in each and every year, to examine and ascertain the extent and condition of the several Bye-Roads in their respective Parishes, and report thereon to the County Council at the semi-annual meeting in January in each year, such report to be verified on oath before any Justice of the Peace for the County of York, and to form a basis for appropriating the Bye-Road money in each year respectively.

V. BE IT ORDAINED, That any Commissioner neglecting or refusing to discharge or perform any of these duties imposed upon him by this Bye-Law, shall for each and every offence be liable to a penalty of Five Pounds, which shall be recovered as other penalties for offences against the Bye-Laws of this Municipality are recovered and appropriated to the maintenance of the roads, in the Parish for which such Commissioner shall be elected or appointed.

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

Relating to Parish Officers in the Municipality of York.

I. BE IT ORDAINED, by the County Council of the County of York, that all Parish Officers hereafter appointed or elected, and confirmed at the semi-annual meeting of the Council in each year shall continue to discharge the duties of their respective offices until the first Tuesday in February in the year for which

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they are appointed, and all Parish Officers shall hereafter enter upon their duties on the first Tuesday in February yearly.

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

Relating to the attendance of Councillors at the several Meetings of the Council of the County of York.

I. BE IT ORDAINED, by the County Council of the County of York, That any member of the County Council of said County who, after having received due notice of the meeting of said Council, shall absent himself from such meeting without good and sufficient excuse to be approved of by the said Council, shall be liable to a penalty of one shilling and three pence for each time of absence, which shall be recovered and the amount levied upon his goods and chattels, in the same manner as penalties are recovered against other Parish officers.

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

To provide for the Election of Councillors and other Parish Officers in the Parish of Douglas.

I. BE IT ORDAINED by the County Council of the County of York, That at every annual election of Councillors and other Parish Officer, a Poll shall be opened at or near the School House in the Hampton Settlement, so called, for the purpose of polling the votes of the electors resident in that part of the parish of Douglas, called the Northern District, in the Act to regulate the election of Members to serve in the General Assembly.

The Town Clerk shall specify in the notice of holding the election the place of holding the Poll in the Northern District.

The Council shall annually appoint, or the Rate-payers may elect a District Clerk, for the purpose of receiving the list of Rate-payers resident in the said Northern District.

The Town Clerk shall, at least twenty days before the election, furnish such District with a correct list of the Rate-payers upon property, resident in the said Northern District, which have been rated and paid their rates for the previous year.

At the time appointed the electors present shall elect a chairman, who shall take the oath A in the Schedule, which a Justice of the Peace or any Freeholder present may administer.

The meeting shall begin at ten o'clock in the morning; the voting shall be by ballot; the names of the candidates for Councillors and other Parish Officers shall be written or printed on paper, and put into a box by the electors. At one o'clock in the afternoon the Poll shall be closed, when the Chairman shall open the Ballot Box, count up the votes, enter the number on a list, and read them aloud to the electors present. He shall then return them to the box, with the list, and carry the box and the list to the Chairman of the meeting held in the Southern District of Douglas, who shall receive the same, and count them with the ballots thrown into the Southern District, and determine the majority, and make the return of the Councillors and other Parish Officers elected accordingly.

Any person guilty of a breach of any of the provisions contained in the foregoing sections of this Law, shall be subject to a penalty of Two Pounds, to be sued for and recovered as any other penalty may be sued for and recovered.

Be it Ordained, That this Bye-Law shall not come into force until the first day of April, A. D., 1862.

SCHEDULE.

Oath A to be taken by the Chairman.

I, A. B. presiding at the Poll held in the Northern District of the Parish of Douglas, for the election of Councillors and other Parish Officers for the Parish of Douglas, do swear that I have not received, and will not receive any gift or reward by myself or any other person, as a consideration of my returning or effecting the return of any person as a Councillor or Parish Officer for Douglas, and that I will to the best of my ability conduct the present election and truly declare the number of votes at the close, and will safely and securely carry the box with the ballots and lists, and deliver it to the Chairman of the Southern District, and that I will use my best endeavors to preserve peace and good order at such election, and give all persons entitled to vote, free access to and from the Poll.

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A BYE-LAW

Relating to the Bye-Road Commissioners within the Municipality of York.

I. BE IT ORDAINED by the Municipality of York, That the Bye-Road Commissioners for the Several Parishes within the Municipality of York, shall each on or before the first day of November in each and every year, make a return to the Secretary-Treasurer of said Municipality, of all specifications or contracts of Roads or Bridges under his supervision, with the amount of each contract and the contractor's name: also a statement of the amounts yet unpaid and to whom due. Such returns to be verified on oath before any Justice of the Peace in the County of York.

II. BE IT ORDAINED, That any Bye-Road Commissioner neglecting or refusing to discharge or perform any of the duties imposed on him by this Bye-Law, shall for each and every offence be liable to a penalty of Five Pounds; which shall be recovered as other penalties for offences against the Bye-Laws of this Municipality, and appropriated to the maintenance of the Bye-Roads in the Parish for which such Commissioner shall be elected or appointed.

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

Relating to the running at large of Cattle within the limits of the Municipality of York.

I. BE IT ORDAINED, by the County Council of the County of York, That no horse, ox, cow, sheep, or other cattle, swine or goose, shall be allowed to go at large, between the first day of May and the first day of October, in any years within the limits of this Municipality, upon any of the following Highways or Roads, that is to say—

The great Road leading from Fredericton to Canada on the South side of the River St. John, on which Her Majesty's mails are carried, or on the old road, so called, leading from William Shepherd's to Spring Hill in Kingsclear, on which Her Majesty's mails were formerly carried, or on that part of the Great Road in the Parish of Kingsclear, leading from Fredericton to St. Andrews, on which Her Majesty's mails are carried.

The Great Road leading from the lower to the upper part of the County of York on the North side of the River St. John, on which Her Majesty's mails are carried.

The Great Road leading from Fredericton to Miramichi, on which Her Majesty's mails are carried, under a penalty of Two Shillings and Sixpence, for every horse, ox, cow, swine, or head of other cattle, and Sixpence for every sheep or goose so found going at large contrary to the provision of this section.

II. BE IT ORDAINED, That no horse, ox, cow, sheep, or other cattle, swine, or goose, shall be allowed to run or go at large upon the Highway in the Parish of St. Mary's, leading from the lower line of the Parish of Douglas to the County line between York and Sunbury, under the penalties prescribed by Section I. of this Bye-Law.

III. BE IT ORDAINED, That no horse, ox, swine, sheep, or goose, shall be allowed to run or be at large upon any other Road or Highway within the limits of this Municipality, except as hereinafter excepted, under the penalty of Two Shillings and Sixpence for every horse, ox, or swine, and Threepence for each sheep or goose found running at large contrary to the provisions of this Section.

IV. BE IT ORDAINED, That no cattle, horse, sheep, swine, or goose, shall be allowed to run or be at large between sundown and sunrise in that District between Benjamin Hanson's Mill Stream and the upper line of the Parish of St. Mary's under the penalties prescribed by Section I. of this Bye-Law.

V. BE IT ORDAINED, That all oxen, cows, or other neat cattle may be allowed to run at large on the Highways or Great Roads in the Parish of St. Mary's, except as hereinbefore mentioned.

VI. BE IT ORDAINED, That all horses, oxen, cows, or other cattle, sheep, swine, or geese, found running at large on the shores of the River St. John in the Parishes of Kingsclear and Queensbury, between the first day of May and the tenth day of

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October in each year, shall be subject to the like penalties as prescribed by Section I. of this Bye-Law.

VII. BE IT ORDAINED, That all horses, oxen, cows, or other cattle, sheep, swine, or geese, found running at large on the shores of the River St. John, in the Parish of Prince William, between John Vanwart's lower line and the upper end of the Parish, between the first day of May and tenth day of October in each year, shall be subject to the penalties prescribed by Section I. of this Bye-Law.

VIII. BE IT ORDAINED, That all horses, oxen, cows, and other cattle, sheep, swine, or geese, found running at large on the shores of the River St. John, in the Parish of Dumfries, between Solomon Howe's upper line and the lower line of the Parish of Dumfries, between the first day of May and the fifteenth day of October in each year, shall be subject to the like penalties as prescribed by Section I. of this Bye Law.

IX. BE IT ORDAINED, That it shall be the duty of all Constables, Hoggreeves, and Pound Keepers, within the limits of this Municipality, to take up and impound all and every of the aforesaid animals found running at large contrary to the foregoing regulations, and they are hereby required to enforce the same in every particular, under the penalty inflicted by law for each and every omission or neglect of duty in this behalf.

X. BE IT ORDAINED, That the aforesaid penalties shall be paid to the Pound Keeper who shall retain one-half and pay the other half to the Constable or Hoggreeve taking up the said animals found running at large contrary to the foregoing Sections, and if any other person shall take up the same the Pound Keeper shall retain one-half the penalty and pay over the other half to the Overseers of the Poor in said Parish where the offence is committed, for the support of the Poor in said Parish.

XI. BE IT ORDAINED, That within twenty-four hours after the aforesaid animals have been impounded, the Pound Keeper shall give notice thereof in writing by posting it up in three of the most public places in the district.

XII. BE IT ORDAINED, That any horse, ox, or other cattle, sheep, swine, or goose, impounded as aforesaid and not liberated in three days after notice, may be sold at Auction by the Pound Keeper, after fourteen days' notice thereof, unless all charges and expenses incurred on account thereof be previously paid.

XIII. BE IT ORDAINED, That if the Pound Keeper sell any animal so impounded, he shall pay all charges and expenses out of the proceeds, repaying the surplus (if any) to the owner. Should the owner not demand the same within fourteen days after each sale, he shall pay the same to the Overseers of the Poor for the Parish, for the support of the poor.

XIV. BE IT ORDAINED, That the Pound Keeper shall be entitled to demand an l receive from the owners of said animals so impounded the following sums for feeding and taking care of the same. —

For each horse or head of neat cattle, per day,	£0	2	6
For each sheep, do	0	0	6
For each swine, do	0	1	0
For each goose, do	0	0	3
For advertising each time, do	0	2	0

XV. BE IT ORDAINED, That whenever any damage shall be claimed by any person or persons, from any person or persons, for any breach of any of the provisions of this Bye-Law, or for any injury done by any horse, ox, bull, cow, steer, heifer, or other neat cattle, sheep, swine, or goose, running at large contrary to any of the foregoing provisions, the same shall be appraised by three disinterested freeholders, to be chosen by each party, and a third by the two persons so chosen, or if either refuses to choose one, the three to be chosen by the other party. The amount at which such damages shall be so appraised to be recovered by the Pound Keeper in the same manner as the penalties are by the foregoing sections recovered and to be paid to the person entitled thereto.

XVI. BE IT ORDAINED, That any Rules or Regulations heretofore passed at the Court of General Sessions of Peace for the said County, for regulating the going at large of any horses, oxen, cows, or other cattle, sheep, swine, or geese, under the power and provisions of any of the Acts of the General Assembly of the Province, be and the same are hereby repealed.

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

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A BYE-LAW

Relating to the Low Lands and Islands within the limits of the Municipality of York.

Passed 15th day of January, 1862.

I. BE IT ORDAINED by the Municipality of York, That the waters surrounding the several Islands in the River St. John, in the County of York, and the waters bounding the Low Lands fronting the Keswick River, in the Parish of Douglas, and the River Nashwaak, in the Parish of St. Mary's and Stanley, shall be deemed lawful enclosures of the said Island, and the water fronts of the said low lands; and any horse, cattle, sheep, swine, or geese, entering upon any such Island or low lands by means of such waters, between the first day of May and the fifteenth day of October, in any year, shall be liable to be impounded in like manner as if such horses, cattle, sheep, swine, or geese, had entered thereon by breaking through a fence of the height and description required by law for dividing improved lands.

II. BE IT ORDAINED, That when any of the animals mentioned in this Bye-Law, or any geese be impounded for the violation of any of the provisions thereof, they shall in all respects be treated, dealt with, and disposed of according to the provisions of a Bye-Law entitled a "Bye-Law relating to the going at large of Cattle within the limits of the Municipality of York," the provisions of which are made applicable thereto.

III. BE IT ORDAINED, That all that District between the upper Nashwaak Bridge (so called) and the upper line of the Parish of St. Mary's, be exempted from the action of this Bye-Law.

Be it Ordained, That this Bye-Law shall not come into force until the first day of April, A. D., 1862.

A BYE-LAW

To prevent the running at large of Rams within the Municipality of York.

Passed 17th day of January, 1862.

BE IT ORDAINED, by the Council of the Municipality of York, That if any Ram shall be found running at large within the Municipality of York, between the tenth day of September and the first day of December in each and every year, the owner thereof, upon conviction before any Justice of the Peace in the County of York, shall for each and every time such ram

shall be found so running at large, pay a fine of not less than ten shillings, nor more than twenty shillings and costs, said fine to be applied to the support of the Poor of said Parish.

BE IT ORDAINED, That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

Relating to certain Parish Officers in the Municipality of York.

Passed 17th January, 1862.

I. BE IT ORDAINED by the Municipality of York, That the Assessors of Rates for each Parish of this Municipality, shall annually, in addition to any list required by Law to be made for any other purpose, make out a duplicate list of the Assessments for their respective Parishes, which shall be full and correct, and be signed by them; and they shall transmit such duplicate, with the warrant of assessment, within ten days after the said list is completed, to the Secretary Treasurer to be filed.

II. BE IT ORDAINED, That every Collector of Rates shall, if required by the two Councillors for the Parish for which he is Collector, within ten days after his election or appointment, give good and satisfactory security for the faithful discharge of his duties, in such sum as they shall direct, as provided by Law; and if he fail to do so, then another shall be appointed in his stead by the two Councillors for the said Parish, and so on *toties quoties* until such security be given to their satisfaction.

III. BE IT ORDAINED, That the Secretary Treasurer and every Parish Officer, shall at least thirty days before the first day of each semi-annual meeting of the County Council, file with the Auditor all accounts, vouchers, and documents of any kind, relating to any moneys received or expended by him during the preceding half year, and all returns, lists, papers, proceedings, or documents relating to the monetary affairs of the Municipality, required by Law to be filed by such Parish Officer.

IV. BE IT ORDAINED, That if any Collector shall neglect to pay over any of the moneys received by him, contrary to the directions of the precept to him directed, or to proceed against any defaulters as by Law required, or if any Secretary, Collector or other County or Parish Officer shall neglect or refuse to render or file his accounts, vouchers, lists, or other papers or proceedings, or any of them, or shall be in any way guilty of any neglect of duty, the Council in addition to any remedy

they or any other person or persons may have upon the bond given by such officer for the faithful performance of his or their duty, may at any semi-annual meeting or special meeting, order such officer to be brought before them, and the Constable to whom such order may be given, shall arrest such officer and bring him forthwith before the Council, who shall thereupon if they see fit, commit such officer to gaol, there to remain until he shall have made full satisfaction for all moneys received and retained by him, and until he shall have rendered a full and correct account of the receipts and collections so made by him, and filed such accounts, returns, vouchers, lists, or other proceedings, or as the case may be, or purged his contempt, unless the Council on cause shewn, deem it proper to discharge him.

Be it Ordained That this Bye-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

To provide for the Election of Councillors and other Parish Officers in the Parish of Queensbury.

Passed 17th day of January 1862.

1. *Be it Ordained* by the County Council of the Municipality of York, that at every annual election of Councillors and other Parish Officers, a Poll shall be opened at or near the School-House in the Lower Caverhill Settlement (so called) for the purpose of polling the votes of the electors resident in that part of the Parish of Queensbury, called the Eastern District, which comprises the Upper and Lower Caverhill Settlements, the Springfield Settlement, and that part of the Hayneville Settlement lying in the Parish of Queensbury.

The Town Clerk shall specify in the notice of holding the election the place of holding the Poll in the Eastern District.

The Council shall annually appoint, or the Rate-payers may elect a District Clerk, for the purpose of receiving the list of Rate-payers resident in the said Eastern District.

The Town Clerk shall, at least twenty days before the election, furnish such District with a correct list of the Rate-payers upon property, resident in the said Eastern District, which have been rated and paid their tax for the previous year.

At the time appointed the electors present shall elect a chairman, who shall take the oath A in the Schedule, which a Justice of the Peace or any Freeholder present may administer.

The meeting shall begin at ten o'clock in the morning; the voting shall be by ballot; the names of the candidates for Councillors and other Parish Officers shall be written or printed on paper, and put in a box by the electors. At one o'clock in the afternoon the Poll shall be closed, when the Chairman shall open the Ballot Box, count up the votes, enter the number on a list, and read them aloud to the electors present. He shall then return them to the box, with the list, and carry the box to the Chairman of the meeting held in the Western District, who shall receive the same, and count them with the ballots thrown into the Western District, and determine the majority, and make the return of the Councillors and other Parish Officers accordingly.

Any person guilty of a breach of any of the provisions contained in the foregoing sections of this Law, shall be subject to a penalty of Two Pounds, to be sued for and recovered as any other penalty may be sued for and recovered.

Oath to be taken by the Chairman.

I, A. B., presiding at the Poll held in the Eastern District of the Parish of Queensbury, for the election of Councillors and other Parish Officers for the Parish of Queensbury, do swear that I have not received, and will not receive any gift or reward by myself or any other person, as a consideration of my returning or affecting the return of any person as a Councillor or Parish Officer for Queensbury, and that I will to the best of my ability conduct the present election and truly declare the number of votes at the close, and will safely and securely carry the box with the ballots and lists, and deliver it to the Chairman of the Western District, and that I will use my best endeavor to preserve peace and good order at such election, and give all persons entitled to vote, free access to and from the Poll.

Be it Ordained, That this Bye-law shall not come into force until the first day of April, A. D., 1862.

A BYE-LAW

To provide for the Assistants of Surveyors of Lumber in the County of York to be duly sworn.

Passed 17th January, 1862.

1. *Be it Ordained*, by the County Council of the County of York, That any person employed to act as assistant to any

Surveyor of Lumber for the said County of York, shall previous to entering upon any such office, be duly sworn to the faithful discharge of such duty.

II. *Be it Ordained*, That any such Surveyor who shall receive or accept the services of any Assistant, not duly sworn as aforesaid, shall be liable to a penalty of not less than one pound nor more than five pounds for each and every offence, the same to be applied in aid of the County funds.

BE IT ORDAINED, That this Byc-Law shall not come into force until the first day of April, A. D. 1862.

A BYE-LAW

Relating to Highways within the Limits of the Municipality of York.

Passed 17th January, 1862.

I. BE IT ORDAINED, by the County Council of the County of York, That an Act, made and passed in the eighteenth year of the reign of Her present Majesty Queen Victoria, entitled an Act relating to Highways, also an Act made and passed in the twenty-first year of the reign of Her said Majesty, entitled an Act to alter and amend an Act relating to Highways, also an Act made and passed in the twenty-second year of the reign of Her said Majesty, entitled an Act to amend an Act entitled an Act relating to Highways; also an Act made and passed in the twenty-third year of the reign of Her said Majesty, entitled an Act further to amend the Law relating to Highways; said several Acts and the provisions therein contained, be, and the same are declared to be in full force and effect within the limits of the Municipality of York, save and except such sections, provisions, and parts thereof as are made specially applicable to some other parts of the Province.

Wherever in the said Acts any thing is to be done by the General or Special Sessions, or return made to such General or Special Sessions, such things shall be done by the County Council of the Municipality of York, or return made thereto.

A BYE-LAW

Relating to the Highways within the Municipality of York.
Passed 2nd day of July, A. D. 1862.

BE IT ORDAINED by the County Council of the County of York, That an Act. made and passed in the twenty-fifth year of the reign of Her Present Majesty, entitled "An Act relating to Highways," and all the provisions therein contained, be, and the same are hereby declared to be in full force and effect within the limits of the Municipality of York, save and except such sections, provisions, and parts thereof as are made speciallly applicable to some other parts of this Province.

Wherever in the said Act any thing is to be done by the General or Special Sessions, such things shall be done by the County Council of the Municipality of the County of York, or return made thereto.

A BYE-LAW

To amend the Bye-Law relating to the Low Lands and Islands within the limits of the Municipality of York
Passed 15th day of January, 1863

I. BE IT ORDAINED by the Municipality of York, That the waters surrounding the Several Islands in the River St. John in the Parishes of Kingsclear and Douglas, in the County of York, shall be deemed lawful enclosures of the said Islands and any horse, cattle, sheep, swine or geese, entering on such Islands by means of such waters, between the first day of May and the first day of October in any year, shall be liable to be impounded in like manner as if such horse, cattle, sheep, swine and geese, had entered in by breaking through a fence of the height and description required by Law for dividing improved lands.

II. BE IT ORDAINED, That section first of the Bye-Law relating to the Low Lands and Islands within the limits of the Municipality of York, passed on the 16th day of January, A. D. 1862, as far as relates and extends to the Islands within the Parishes of Kingsclear and Douglas, be and the same is hereby repealed.

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A BYE-LAW

Further relating to the running at large of Cattle in the County of York.

Passed 15th day of January, 1863.

I. BE IT ORDAINED by the Municipality of York, That no horse, ox, cow, sheep, or other cattle, swine or goose, be allowed to run at large in the Parish of Southampton, in the County of York, from the first day of May to the fifteenth day of October in any year, upon the following Highways and Shores, that is to say, on the Road leading from the County line to the Ferry road at Thomas Akerley's in the said Parish, or on the Shores of the River St. John, in the said Parish; and any horse, ox, cow, sheep, or other cattle, swine or goose, found running at large on the said road or shore, shall be liable to be impounded in the like manner, and shall be dealt with, treated, and disposed of according to the provisions of a Bye-Law relating to the going at large of Cattle within the limits of the Municipality of York, the provisions of which are made applicable hereto.

II. BE IT ORDAINED, That any other Bye-Law heretofore passed inconsistent with this Bye-Law, as far as relates to the Parish of Southampton, be and the same is hereby repealed.

A BYE-LAW

To amend a Bye-Law relating to certain Parish Officers in the County of York.

Passed 15th January, 1863.

I. BE IT ORDAINED, by the Municipality of York, That every Collector of Rates shall, within thirty days after his election or appointment, give good and sufficient security for the faithful discharge of his duties in a sum not less than two hundred pounds, by Bond, to the Municipality of York, with securities to be approved of by the Councillors of the Parish, for the time being, for which such Collector may have been elected or appointed, or by the Secretary-Treasurer; and if he fail to do so, then another shall be appointed in his stead by the Councillors of the said Parish, and so on *toties quoties*, until such satisfactory security be given.

II. BE IT ORDAINED that Sec. 2 of a Bye-Law, entitled "a Bye-Law relating to certain Parish Officers in the Municipality of York," be and the same is hereby repealed.

A BYE-LAW

Relating to the running at large of Cattle in the Parish of Kingsclear.

Passed 9th January, A. D. 1867.

BE IT ORDAINED by the County Council of the Municipality of the County of York, That no horse, ox, cow, sheep, or other cattle, swine or goose, shall be allowed to run or go at large between the first day of May and the first day of October in each and every year, on any highway or road within the Parish of Kingsclear, and any horse, ox, cow, sheep, or other cattle, swine or goose, found running or going at large on any highway or road in the said Parish of Kingsclear, shall be liable to be impounded in the like manner, and shall be dealt with, treated, and disposed of according to the provisions of a Bye-Law relating to the running at large of cattle within the limits of the Municipality of York, passed on the 17th of January, A. D. 1862, the provisions of which are made applicable hereto.

That any other Bye-Law or parts of Bye-Laws passed by this Municipality, inconsistent with this Bye-Law as far as relates to the Parish of Kingsclear, be and the same is hereby repealed.

A BYE-LAW

Relating to security to be given by certain Parish Officers in the Municipality of York.

Passed 9th January, A. D. 1867.

I. BE IT ORDAINED, by the Municipality of the County of York, that in all cases wherein no provision is already made for security to be given by Parish Officers for the Municipality of the County of York, now appointed or hereafter to be appointed to any Parish Office in this Municipality, wherein he shall be concerned in the collection, receipt, or expenditure of any money paid to or to be received by him by virtue of his office, shall give a bond to the Queen with two sufficient sureties, in double the amount such Parish Officer is to receive, collect, or expend, with a condition for the faithful discharge of his duty, and for the due application of all moneys which he may receive, collect, or expend by virtue of his office.

II. BE IT ORDAINED, That the Assessor of Rates for the respective Parishes in this Municipality, shall not hand or deliver to the Collector of Rates, or any or either of them, the assessment lists or precepts, until they receive from the Secretary Treasurer or the Councillors of the Parish, or one of them in which they are assessors, a certificate that the proper bonds have been executed and filed.

III. BE IT ORDAINED, That the Collectors of Rates shall in no case pay over to any Alms House Commissioner, Overseer of the Poor, or Bye Road Commissioner, or any other Parish Officer to whom they are directed to pay any County or Parish money, until a certificate is produced from the Secretary Treasurer or Councillors, or Councillor of the Parish where he is appointed to collect, that the proper and necessary bond has been filed.

IV. BE IT ORDAINED, That the Councillors or Councillor for the respective Parishes in the Municipality to which they have been or shall be elected to serve, on the name or names of any person submitted to them as sureties for any Parish Officer, if he or they approve of such sureties, shall certify the same accordingly to the Secretary Treasurer.

V. BE IT ORDAINED, That it shall be the duty of the Secretary Treasurer on production by any officer of the certificate from the Councillors or Councillor as aforesaid, to draw the necessary bond, and on the due execution thereof and filing of the said bond with the Secretary Treasurer, to give a certificate to that effect for the purpose of this Bye-Law.

VI. BE IT ORDAINED, That any Parish Officer required to give security, and who shall neglect or refuse so to do, shall forfeit such office, and the Councillors of the Parish where he is elected to serve, shall appoint another to serve in his place, and so on until his place shall be filled.

VII. BE IT ORDAINED, That all officers neglecting to comply with the provisions of this Bye-Law, shall be subject to a penalty of twenty dollars, to be recovered and applied in the same manner as prescribed for the recovery and application of other penalties mentioned in the Bye-Laws of this Municipality.

A BYE-LAW.

Relating to the running at large of Cattle in the Parish of Southampton.

Passed 16th day of January, A. D. 1868.

I. BE IT ORDAINED by the County Council of the Municipality of the County of York, That no horse, ox, cow, or other cattle, sheep, swine, or goose, shall be allowed to run or go at large on the shores of the River St. John, in the Parish of Southampton, in the County of York, between Captain Steyart's lower line and Alfred Thornton's upper line, between the first day of May and the first day of October in each and every year, under the penalties prescribed by a Bye-Law of this Municipality, made and passed on the seventeenth day of January, A. D. 1362, entitled a Bye-Law relating to the running at large of Cattle within the limits of the Municipality of the County of York.

II. BE IT ORDAINED, That all horses, oxen, cows, or other cattle, sheep, swine, or geese, found running and going at large contrary to the provisions of Section I. of this Bye-Law, shall be impounded, treated, and dealt with in the same manner as prescribed by the said Bye-Law before mentioned.

A BYE-LAW.

To repeal a part of a Bye-Law entitled "A Bye-Law relating to the Ferries within the limits of the Municipality of York."

Passed 5th day of July 1865.

BE IT ORDAINED by the Municipality of the County of York, That that part of Section 2 of the said Bye-Law, which provides that the Ferry at Burgoine's be sold by the Parish Clerk of the Parish of Queensbury, at public Auction, annually on the first Monday in April, to the highest bidder, be, and the same is hereby repealed.

BYE-LAWS.

A Bye-Law to Establish a Public Wharf in the Parish of Southampton

Passed 13th day of January A. D. 1869

I. BE IT ORDAINED by the County Council of the Municipality of the County of York, That a public Wharf be established at Alfred Thornton's landing so called in the Parish of Southampton.

A BYE-LAW

To establish an additional Ferry within the limits of the Municipality of York.

Passed the 6th day of July A. D. 1869.

BE IT ORDAINED by the County Council of the Municipality of the County of York, That an additional Ferry be established across the River St. John within the said Municipality at the following named places, that is to say from Thomas Smullins' landing in the Parish of Southampton, to Daniel Huestis' landing in the Parish of Dumfries.

II. BE IT ORDAINED, That the Parish Clerk for the Parish of Southampton shall sell the right of ferrying at said Ferry at the time and in the manner named and appointed for selling Ferries in the Bye-Law relating to the Ferries within the limits of the Municipality of York, passed on the seventeenth day of January, A. D. 1862, and that the said Ferry shall be subject to and governed by the rules and regulations of the said Bye-Law, the provisions of which Bye-Law are hereby made applicable to the said Ferry hereby established.

EXTRACTS FROM THE PROVINCE STATUTES.

AN ACT

To Regulate the Election of Members to serve in the General Assembly.

18 Victoria, Cap. 37,

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows.—

1. Every male person of the age of twenty-one years or upwards, being a British subject, not subject to any legal incapacity, who shall have been assessed for the year for which the Registry is made up, in respect of real estate to the amount of twenty-five pounds, or personal property, or personal and real amounting together to one hundred pounds, or one hundred pounds annual income, shall be qualified to vote for representatives of the County or City for which he shall be so assessed: if there be no assessment for the Parish in any year, then the possession of the qualification shall of itself be sufficient.

2. Three Revisors shall be annually elected or appointed for every Parish, in the same manner and at the same time as other Town or Parish Officers, and subject to the like penalties.

3. The Assessors of every Parish shall, on or before the first day of August in each year, deliver to the Revisors a copy of the assessment list for their Parish; and if from any cause any portion of the inhabitants are exempt from taxation therein, they shall either include their names in the same, or make a separate list of such portion, so that the list shall contain the names of all persons possessed of real or personal estate, or income; or if they have not received any warrant therefor, make out a list of the names of all persons possessed of real or personal estate, or income, in the following form, and deliver it to the Revisors:—

	Real Estate in the Parish of Inhabitant.	Personal Estate of inhabitant.	Real Estate of Non-resident.	Annual Income.
A. B.....	£25 0 0	£0 0 0	£0 0 0	£0 0 0
C. D.....	0 0 0	100 0 0	0 0 0	0 0 0
E. F.....	0 0 0	0 0 0	25 0 0	0 0 0
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4. The Revisors shall before the first day of September in each year. meet and prepare from the assessment list an alphabetical list of the qualified electors in their Parish, distinguishing the resident from the non-resident, and affixing the place of residence of the non-resident when known, and on or before the first day of September in each year, post up a copy of the said list in three of the most public places in each polling District of their Parish with the following notice:—

“ The Revisors will meet at _____ in the Parish of _____ on the twenty-fifth (*if Sunday say* twenty-sixth) day of October next at _____ o'clock, A. M., to revise the list of electors for the Parish of _____, and any person claiming to add to or strike off a name from the list, must give notice thereof, with the cause of objection, to either of us, on or before the first day of October next, and also notify every person proposed to be struck off. Dated the _____ day of _____ 18 .

A. B., }
C. D., } *Revisors.*
E. F., }

5. The Revisors shall on or before the tenth day of October in each and every year, post up in the said three most public places of the polling district, an alphabetical list of the persons proposed to be added or struck off respectively, with a notice appropriate to each list to the effect following:—

“ The Revisors will on the twenty-fifth (*if Sunday say* twenty-sixth) day of October instant, at _____ in the parish of _____ adjudicate upon the propriety of adding (*or striking off, in case of striking off,*) the foregoing names to (or from) the list of qualified voters. Dated the _____ day of October, 18 .

A. B., }
C. D., } *Revisors.*
E. F., }

6. The person who proposes to strike a name from the list shall, on or before the first day of October, give notice in writing to the party objected to, either personally or by leaving it at his last or usual place of abode, and shall prove on oath the giving the notice to the satisfaction of the Revisors before they hear the objection.

7. At the time and place appointed the Revisors shall attend and correct the lists, and shall, with all convenient despatch,

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make out an alphabetical list of the resident electors of each Polling district of the Parish, and of the non-resident electors, stating the residence when known, and on or before the tenth day of November in each year, transmit the same to the Clerk of the Peace; they shall add to or strike off from the list the name of any person whose disqualification is satisfactorily proved to have existed at the date of the last assessment, or date of the list to be made up by the Assessors in the event of no assessment, if notice have been given to a Revisor of the claim on or before the first day of October, and in case of disqualification they prove to the satisfaction of the Revisor that notice in writing has been given to the party objected to within the same period. When a firm is assessed in respect to property or income sufficient to give each member a qualification, the several persons composing such firm shall be inserted on the list.

8. If the Assessors neglect to make up and deliver the list, or wilfully deliver an incorrect list, or if the Revisors neglect to revise the list so delivered, or wilfully transmit an incorrect list, for every neglect or wilful delivery or transmission of an incorrect list, each Assessor or Revisor so contravening this act shall pay a fine of twenty pounds, which any person may recover with costs, and each day a list is delayed shall be a separate offence.

9. In incorporated Counties the Councillors of each Parish, with a person to be appointed therefor by the County Council, shall be the Revisors for their respective Parishes, the list shall be sent to the Secretary Treasurer, and revision of the non-residents shall be made by the Warden.

10. The Revisors shall have power to summon witnesses to attend at the time and place appointed, to give evidence as to the qualification or disqualification of any person, and to administer an oath, and examine the parties and such witnesses on oath; and every person so summoned who shall neglect to attend without good cause shewn therefor to the Revisors, or attending shall refuse to be sworn or give evidence, shall be liable to a penalty of five pounds; and every witness attending shall be entitled to receive the same fees and travelling charges as witnesses attending before Justices of the Peace in civil suits, to be paid by the person at whose instance the respective witnesses may be summoned.

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OF RATES AND TAXES.

1. The Overseers of the Poor shall annually, at such time as the Sessions shall appoint, lay before them a correct statement of the number and condition of the poor in their several Parishes, and the sum required therefor; which shall be examined and allowed by the Sessions, who shall forthwith by Warrant (A) order the same to be assessed and collected.

2. Any two of said Overseers, with the consent of two Justices, shall oblige any idle, disorderly person, rogue, or vagabond, who is likely to become chargeable on the Parish where he resides, to labor for any person who may employ him; if such person has children in a suffering condition, any two Overseers, with consent aforesaid, may bind such children apprentices, if males until twenty-one, if females until eighteen years of age; and if any such idle, disorderly person, rogue, or vagabond, shall refuse to labor, such Justice may commit them to the Common Goal, House of Correction, or Provincial Penitentiary, to be kept at hard labor, for a term not exceeding forty days.

3. If the Assessors consider that the Parish for which they are appointed is overrated, they may appeal to the next Sessions, who shall hear and finally determine the same.

4. The rate of no other Parish assessed thereby shall be quashed upon such appeal.

5. No new rate shall be made until it shall appear to the Sessions that three-fourths of the money collected by virtue of the preceding rate have been expended for the purpose intended.

6. No certiorari to remove any rate, or proceeding touching such rate, shall be granted unless at the next term after the Term of appealing, nor until good security be given to the County Treasurer in one hundred pounds, to prosecute the same with effect, and pay all costs should the rate or other proceedings be confirmed.

7. The Court before granting the certiorari must be satisfied by affidavit that the merits of the question are within their cognizance.

8. No rate or other proceeding shall be quashed for defect of form only, and all costs shall be paid out of any rate upon the same Parish.

9. No action shall be brought against any person employed in collecting any money assessed on any rate that may be quashed.

10. Money paid on any rate quashed shall be repaid to the person entitled thereto.

11. One-eighth, and no more, of the whole amount ordered to be assessed for County, Town, or Parish charges, by virtue of this or any other Chapter, shall be assessed and collected by an equal rate as a poll tax on all male persons being twenty-one years of age, not being paupers and by rate in just and equal proportion upon the real estate situate in such Parish, whether of resident or non-residents, and upon the personal estate and incomes of the inhabitants of the same, subject to the regulations hereinafter contained.

12. The Assessors on receiving the Warrant shall forthwith post up notices thereof in three of the most public places in the Parish, and publish the notice in a newspaper, if any be printed therein.

13. The Assessors shall thereafter meet without delay, and they shall prepare a list (B) in manner and form as set forth in the Schedule to this Title.

14. The Assessors within sixty days after the receipt of the Warrant, shall deliver to the several Collectors of the Parish, lists signed by them, and shall endorse thereon a Precept (C) containing the names of all the persons rated within the respective districts of such Collectors; the Assessors shall transmit a duplicate thereof, with the Warrant, in ten days after the list is completed, to the Clerk of the Peace to be filed; any Assessor neglecting to perform his duties as such shall be liable to the penalty of ten pounds.

15. The Sessions may, at any time they think proper, exempt the French inhabitants resident in any Parish, in any order of assessment for the support of the poor, in whole or in part; such exemption shall be expressed in the Warrant, and the Assessors shall conform thereto.

16. For the purposes of assessment the mortgagor or mortgagee in possession shall be deemed the owner.

17. The real and personal estate of all joint stock Corporations shall be assessed under this Chapter, and for that purpose the President, Agent, or Manager of any such Corporation shall be deemed the owner of such estate and shall be dealt with accordingly; the principal place of carrying on their business

shall be deemed the place of inhabitance; such President, Agent, or Manager, in regard to such estate, shall be assessed separately and distinctly from any other assessment to which he may be liable, and he may recover from such Corporation any assessment he may have been required to pay for the same; but the Corporation of the City of St. John or Fredericton, or of any literary or charitable society or institution, shall be exempt from any assessment under this Chapter.

18. No stockholder of any such Corporation shall be assessed for any property or income derived from such Corporation.

19. For the purpose of assessment every person carrying on business in any Parish shall be deemed an inhabitant thereof.

20. Any person liable to be assessed may, within thirty days after the publication of the notice prescribed by Section 12 of this Chapter, furnish the Assessors with a statement on oath in writing of his real estate in the Parish, and of his personal estate and income, specifying therein the value of the real estate, and the amount of his income and personal estate, deducting from his personal estate the just debts he owes: and such person shall be rated accordingly.

21. Every assessment made or to be made shall be legal, if the aggregate amount thereof shall not exceed the amount ordered to be assessed more than ten per cent.

22. Any person may appeal to the next Sessions after he has had notice of the assessment, and if the Session consider him entitled to relief, they may direct the sum overrated not to be collected, and if collected to be repaid.

23. The Sessions may require the Collectors severally to give security for the faithful discharge of their duty in a sum not less than two hundred pounds, by bond to the Crown with sureties.

24. Each Collector shall immediately after receiving the said list and precept, demand and collect the several sums from every person so named therein, and, if required, give a written statement to such person of the several amounts for which he is assessed, and where a personal demand cannot be made shall leave a written or printed notice containing such statement and the time the same is to be paid, at the last place of abode of such person, with some adult member of his family; or in case of his carrying on business in a Parish, and not residing therein, the statement to be left with his Clerk or agent, at his place of business.

25. If any person assessed residing in the Parish or in the County neglect to pay his rate in ten days after such demand or notice, the Collector shall apply to a Justice, who upon oath being made by the Collector that the rate after demand or notice has not been paid, shall issue Execution (D) against such person. The Constable receiving the execution shall forthwith execute the same. If the defendant be imprisoned he shall not be detained more than one day for every two shillings of the amount to be levied, nor more than fifty days in the whole if the same exceeds five pounds; at the expiration thereof he shall be discharged, the execution to remain in force against the property of the defendant for twelve months after such discharge.

26. The Collector may, in his own name in any Court having jurisdiction, sue any person assessed, not residing in the County, for his rate; and an extract from the list containing the rate of such person, certified by the Clerk of the Peace, shall be conclusive evidence of the assessment; or he may give public notice of such assessment in any Newspaper published in the County, and if there be none, then in the *Royal Gazette* for three months. If the same be not then paid, with the expense of such notice, any two Justices on the application of such Collector, shall issue their Warrant (E). The Sheriff to whom the Warrant is directed shall execute the same according to the exigencies thereof, and shall execute a deed to the purchaser of the property.

27. Every Collector on the first Monday in every month shall pay over to the person authorized to receive the same, all moneys received by him during the previous month, with a list of persons from whom he received the same, and shall in four months after the Precept file with the Clerk of the Peace a true account of every sum of money so by him received, with vouchers for the sums paid, and a correct list of defaulters, verified on oath, and the list given him by the Assessors.

28. The receipt of any person duly authorized to receive rates collected shall be a sufficient discharge to the Collector.

29. Should the duties to be performed by any Clerk of the Peace, Assessor, or Collector, be neglected to be done within the time for such purpose limited by this Chapter, the performance thereof thereafter by such persons shall be good to the purposes of this Chapter.

30. If any Collector neglect any of the duties imposed upon him by this Chapter, any General or Special Sessions may order him (F) to be brought before them. The officer receiving such order shall execute the same according to the exigencies thereof. The said Sessions, on the Collector being brought before them, may, if they see fit, commit him to goal until he shall have purged the contempt, unless they, on cause shown, deem it proper to discharge him.

31. If any error in the preparation of the list by the Assessors be made, they may at any time before a subsequent rating correct the error in such list.

32. The Assessors and Collectors respectively shall be allowed for their services by the Sessions a sum not to exceed in the whole fifteen per cent. on the assessment; the amount so allowed shall be included in the Warrant, and collected and paid to the County Treasurer for that purpose.

33. The Sessions may allow to the Clerk of the Peace, County Treasurer, and other County officers, not being Justices, such compensation as they may deem just, the same to be included in and collected as other County rates.

34. When it is found necessary to appoint Special Constables, the Sessions may allow such a sum for their services and expenses as they deem meet, and if necessary, may order an assessment upon any Parish for payment thereof; not more than one-fourth part of such assessment to be levied as a poll-tax.

35. Any Sessions or Special Sessions may make allowance to the Sheriff or other officer, for any service performed by them in the execution of their offices, and may order the same to be paid out of the contingent fund.

36. Any Sessions or Special Sessions may offer and pay any reward they deem proper to promote the due execution of the laws, for the apprehension of any person charged or suspected of felony, and may order the same to be paid out of the contingent fund.

37. If the contingent fund for the year shall not be sufficient to meet the expenses payable under the two last Sections, the Sessions may direct what amount shall be assessed for the same, in addition to the annual assessment for said County, which amount, when collected, shall be paid to the County Treasurer for the purpose aforesaid.

38. The term "real estate" or "property" in this Chapter shall mean land, and any erection thereon, or any term of years therein; and the term "personal estate" shall mean all goods, chattels, moneys, and effects, and good debts of all descriptions, and all public stocks in any incorporated Company in this Province, except in Section 17 of this Chapter, where it shall mean the amount of paid up capital stock of any Corporation at its correct value at the time of assessment.

(B)

Form of Assessment.

Assessment of the Parish of _____ (or district of the same, as the case may be) in the County of _____ in pursuance of a Warrant of the Sessions for the said County, to levy the sum of _____ pounds for _____ A. D., 18 _____

Dated this _____ day of _____

Names of Persons.	Poll Tax.	Real Estate within the Parish of Inhabitants.		Personal Estate of Inhabitants.		Real Estate of Non-Residents.		Annual Income.		20 per cent. of value of Property.		Amount to be Taxed.		Total Assessment.	
		£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
A. B.	1 4	300	0 0	100	0 0	0	0 0	50	0 0	80	0 0	130	0 0	2	13 4
C. D.	0 0	0	0 0	0	0 0	200	0 0	0	0 0	40	0 0	40	0 0	0	16 0
E. F.	1 4	0	0 0	0	0 0	0	0 0	20	0 0	0	0 0	20	0 0	0	9 4
G. H.	1 4	0	0 0	0	0 0	0	0 0	0	0 0	0	0 0	0	0 0	0	1 4

(C)

PRECEPT.

To any one of the Collectors of Rates for the Parish (or Town or district) of _____

You are required to collect from the several persons named in the annexed assessment, the sums set against their names respectively under the head "Total Assessment" amounting in the whole to the sum of _____ and to pay the same when collected to the County Treasurer, (or Overseer of the Poor or otherwise, as the case may be.)

Dated this _____ day of _____

18 _____
 E. F., }
 G. H., } *Assessors.*
 J. K., }

OF FENCES, TRESPASSES AND POUNDS.

1. All line fences, dividing improved lands shall be sufficiently erected and kept up at the joint and equal expense of the occupiers, and shall not be less than four feet six inches high; any dispute arising between the occupiers of such lands as to the erection and repair of any such fences, shall be settled by the nearest fence viewer on application made to him.

2. The fence viewer shall on such application give notice to the parties to attend; he shall then view the place where the proposed erection or repair is to be made, and shall determine the portion thereof each party shall erect or repair.

3. If either party after six days' notice of such determination shall neglect to comply therewith, the fence viewer may cause the same to be done, allowing for the labor thereof at the rate of five shillings per day, besides the expense of procuring the materials.

4. The person so employed may recover from the party so refusing all the expenses of making or repairing the same and furnishing materials, as provided in the preceding section with costs of suit, before any Court competent to try the same

5. The fence viewer shall receive five shillings per day for his services, to be paid on demand by the party neglecting to repair or erect as aforesaid.

6. Any fence viewer neglecting his duty shall for each offence forfeit and pay forty shillings.

7. No owner or occupier of any woods, barren or unimproved land, although adjoining the improved lands of another, shall be obliged to erect or repair any such division line fence.

8. The Sessions may divide each Parish into as many Pound districts as they think proper, and may direct Pounds to be erected in each district. If the inhabitants of any district neglect to build the same, the Sessions may order an assessment, which shall be assessed and collected as other assessments.

9. Any cattle going at large contrary to any regulations made by virtue of this Title, the officer authorized may impound the same, and shall receive the amount specified in such regulations therefor, to be paid by the owner thereof with the charges of the pound keeper, before the same are delivered from the pound.

10. If there be no public pound, or if it be not in a proper state, the pound keeper may use any proper enclosure for the time being, which shall be deemed a pound for that purpose.

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Amount to be Taxed.		Total Assessment.	
£	s. d.	£	s. d.
30	0 0 2	13	4
40	0 0 0	16	0
20	0 0 0	9	4
0	0 0 0	1	4

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11. If any person shall rescue any beast from a person lawfully taking such beast to pound he shall pay five pounds.

12. If any person shall make a breach in any pound, or shall unduly set at large any beast impounded, he shall pay ten pounds.

13. All sufficient fences four feet six inches high, shall be lawful fences, whether line fences or otherwise.

14. Where a trespass is committed by breaking through any part of a division fence, which the owner of the cattle trespassing ought to keep in repair, the defect of such fence shall not be deemed an excuse for such trespass.

15. When any cattle shall break or escape into any close, no action shall be maintainable by reason thereof for any damage arising therefrom, unless such close be at the time under lawful fence, except the party complained of shall either by agreement or otherwise be bound to erect or keep in repair such fence, or where certain waters or water fences or gates made by law, or any regulations of the Session made in pursuance thereof, be made a lawful fence or enclosure.

16. In all cases of trespass by cattle where the damage does not exceed five pounds, the same may be heard before a Justice as in civil suits.

17. When necessary a Justice may grant a Replevin (Q) and on return thereof shall determine the same and grant execution, and shall receive such fees as hereinafter provided.

18. The officer before executing the same shall take from the plaintiff a bond (R) with two sureties, the penalty not to exceed five pounds.

19. If the plaintiff fail to prosecute his suit within the time specified, the officer shall assign the bond to the defendant who may recover the same in his own name in any competent Court.

20. All cattle impounded as aforesaid, and not liberated in three days after notice in writing advertised in three of the most public places of the district, may be sold at auction by the pound keeper after fourteen days public notice thereof, unless all charges and expenses incurred on account thereof be paid.

21. If he sell the cattle he shall pay all charges and expenses out of the proceeds, giving the overplus (if any) to the owner; should he not demand the same within fourteen days after such sale, he shall pay the same to the Overseers of the Poor of the Parish for the support of the Poor.

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AN ACT

In amendment and consolidation of the Laws relating to Highways.

Section

1. Acts 18 V. c. 18, 21 V. c. 30, 22 V. c. 14, and 23 V. c. 45, repealed.
2. Divisions of Parishes into districts; Commissioners and Surveyors assigned to each.
3. Commissioners to lay out highways; alteration & extension, how made.
4. Unless owner consent, damages to be paid before road opened.
5. Consent to be filed with return.
6. Alteration of roads. Jury to value old road in diminution of damages.
7. Private roads, how laid out.
8. Public roads, width of.
9. Roads on which Public Money expended,—public highways.
10. When Commissioners may direct old roads to be stopped up after alteration.
11. Roads to be marked out with stakes, and return made to and recorded by Clerk of the Peace; penalty for neglect.
12. Penalty for obstruction, &c., any public roads; application of same, and mode of recovery.
13. Fees to Justices, Jurors, &c., how paid; assessment, how disposed of.
14. General Sessions to issue Warrant of assessment; mode of assessment and payment.
15. Scale of statute labour, how performed and by whom, and who exempted.
16. Estate of Females and minors, how assessed and paid.
17. Assessment upon females & Minors not paid, how recovered.
18. Assessment list to be published. Sub-district and number of surveyors.
19. Money may be paid in lieu of labour, and expended on Roads and Bridges.
20. Mode of summoning inhabitants to perform statute labour. Carts, ploughs, horse, &c., to be furnished.
21. Surveyors shall make return on oath of persons liable to work, and of delinquents.
22. Names of persons liable to perform statute labour, when required, shall be given by the parties with whom they reside or are employed; penalty for neglect, and recovery.
23. Proceedings against delinquents, application of proceeds.
24. Waggon and teams to be furnished when required; penalty.

Section.

25. Obstructions, removal of, by inhabitants, and repairing roads and Bridges during interval; penalty for non-attendance, and recovery.
26. Inhabitants to be summoned after snow storm to cut bushes and mark ways; penalty for refusing.
27. Ways to be marked with green bushes four rods apart; teams to be furnished; penalty for refusing.
28. Destroying bushes, penalty and application.
29. Persons liable to statute labor to be summoned to break roads with teams in addition to statute labor. penalty for not attending.
30. Powers of Commissioners under this Act to extend to Great Roads, but not to alterations.
31. Commissioners to make returns with vouchers, and pay balances not accounting, proceedings to be taken by County Treasurer.
32. Bells to be attached to horse sleds and sleighs.
33. Commissioners to file annually list of inhabitants liable to statute labor, to be read at Parish meeting.
34. Commissioners and Surveyors exempt from statute labor.
35. Commissioners' returns shall be under oath.
36. Commissioners to enforce the performance of all duties required by this Act; and recover fines and penalties.
37. Form of return to Clerk of Peace.
38. Any person over-rated may appeal to General Sessions.
39. Conditions of appeal.
40. Penalty for neglect of duty of Commissioners and Surveyor.
41. Proceedings on Commissioner's neglect to render his account.
42. General Sessions to pay fees of Constables and other officers.
43. Prosecutions against delinquents shall be on complaint and in name of Commissioners.
44. Party may be held to bail.
45. Prosecutions for forfeitures to be commenced within six months.
46. Not to interfere with Local Laws now in force.
47. In Incorporated Counties, Council may make Bye-Laws to effect the object of this Act.
48. Forms of Proceedings under this Act.

Passed 23rd April, 1862.

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

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*; also an Act made and passed in the twenty-first year of the same Reign, intituled *An Act to alter and amend an Act intituled 'An Act relating to Highways'*; also an Act made and passed in the twenty-second year of the same Reign, intituled *An Act to amend an Act intituled 'An Act relating to Highways'*; and also an Act made and passed in the twenty-third year of the same Reign, intituled *An Act further to amend the Law relating to Highways*, be and the same are hereby severally repealed.

2. The Justices in their Sessions are authorized, if they shall see fit, to divide each Parish into three Districts, and to assign one of the Commissioners and a sufficient number of Surveyors to each District; the Commissioner and Surveyors to enforce and superintend the performance of the statute labour for such district only, and to make due return thereof.

3. When application shall be made to the Commissioners in writing, by three or more freeholders, to lay out, alter or extend any public highway over any lands, and if the owner or owners of such lands shall not consent thereto, such Commissioners shall apply to a Justice of the Peace for a Warrant, who is hereby required to grant the same, directed to the Sheriff, Deputy Sheriff, or any Constable within the County commanding the same to summon five disinterested freeholders of the County, not resident in the Parish where the proposed road is situate at a certain time to be named in such Warrant to examine the proposed road, alteration, or extension, so applied for, the said Commissioners, or any two of them to be present at the same time; and if the said Jury, who are to be sworn by any Justice of the Peace, find that such road, alteration or extension is necessary, the said Commissioners, or any two of them, if they approve of such finding, shall lay out the same immediately, after which the Jury shall be duly sworn to assess the damages, and shall forthwith proceed to assess the same; and the said Jury, in their assessment of damages shall take into consideration the benefit, if any, to the owner of such lands by the laying out such roads.

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4. No such road shall be open for public use until the damages assessed be paid to the owner or owners of the land, unless the said owner or owners thereof shall consent in writing to the opening of the same

5. When any two of the Commissioners shall deem it necessary to lay out any highway over any lands, and the owner or owners consent in writing that such highway may be laid out and opened, the Commissioners may proceed to lay out and open the same, and such consent in writing shall be filed by the said Commissioners with the return of such highway.

6. If in any such alteration a new road be opened, and the old road or any part of it be shut up and revert to the owner of the land on which said new road may pass, the Jury shall take into consideration the value of such old road or any part thereof so shut up, in diminution of the damages: Where roads are laid out, altered or extended under any Law relating to highways, and the damages, if any, paid as aforesaid, the Commissioners or Surveyors may enter on and open such roads, and remove therefrom any obstructions.

7. The Commissioners, upon application for a private road shall view the same, and upon the written consent of the owner of the land, may lay out the road; if the owner object, a Jury shall be summoned as hereinbefore directed, at the instance of the Commissioners, or party or parties interested, which Jury shall determine as to the necessity of the road, and if deemed necessary, and the parties disagree as to damages, they shall proceed to assess the same; and when assessed, the amount shall be paid the owner or owners of the land through which the road passes, before such road be opened for use, unless such owner consent in writing to open the same; the expenses of laying out the road, as provided by the fifteenth Section of this Act, shall in the first place be paid by the applicant, and no such private road shall be laid out more than two rods wide, against the consent of the owner of the land through which it passes; provided that no buildings shall be erected within two rods of the centre of the said road so laid out.

8. Public roads shall not be more than six nor less than four rods wide.

9. All roads not recorded, upon which public money has been expended, are hereby declared public roads or highways.

10. On any alteration being made in any road, pursuant to this Act, and the parts between the points of such alteration

shall not be settled by the erection of dwelling houses, or when the same shall not cut off any proprietor from the road so altered, the Commissioners shall direct that the portions intended to be discontinued shall be stopped up and enclosed by the proprietor of the land between such points, after which the old road or such part thereof shall not be considered public, but the Commissioners shall not so direct until the new road be good and passable.

11. The Commissioners for each Parish shall carefully mark out all the roads laid out, altered or extended under their direction by the provisions of this Act, designating their width either by a line of stakes on each side, or by one line of stakes in the centre of the same, clearly marking out the place of beginning and the place of ending, and shall set forth in writing the width, marks, bounds and lines of all such roads as have been laid out, altered, extended, or shut up, and within three months thereafter make return thereof to the Clerk of the Peace, who shall enter the same in a book to be kept for that purpose: any Commissioner or Clerk of the Peace neglecting this duty required of him, shall for each neglect pay twelve dollars.

12. Whoever shall alter, encroach on, or obstruct any public road, or fill up or obstruct any ditch or water course in any highway, shall for each offence forfeit eight dollars; and if the offender do not remove such encroachment or obstruction within three days thereafter, he shall again forfeit the like sum of eight dollars; and so on in like manner until such obstruction be removed; should the offender not be known, the Commissioner or Surveyor, if the encumbrance be saleable, shall, unless sooner claimed, after three days public notice sell the same, and apply the proceeds to repairing such road; if not saleable, they shall cause the same to be removed, and the person employed by them shall be allowed therefor, according to the time he is employed, a deduction of his statute labor; the penalties imposed by this Section, and the costs of conviction, may be recovered before any Justice of the Peace of the County where the offence may be committed, and levied by warrant of distress and sale of the offender's goods and chattels, or by warrant of commitment against the person of such offender on failure of finding sufficient distress, or by warrant of commitment in the first instance, at the discretion of the Justice imposing such penalty; and in case of commitment, the said Justice shall define the

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number of days in the warrant, in no case to exceed twenty days for any one offence; and such penalty, when recovered, shall be applied to the repairing of the roads in the district in which the offender resides: the mode of proceeding for the recovery of all penalties under this Act, except such as are referred to by the forty-fifth Section of this Act, shall be regulated by any Act now or hereafter in force relating to Summary Convictions before Justices of the Peace.

13. Any Justice of the Peace for issuing a Summons, and presiding at an investigation by a Jury, shall receive two dollars; each Juror summoned and attending shall receive fifty cents; and the officer summoning shall receive one dollar: the sum necessary to meet such expenses shall be paid by the parties applying for the road to the Commissioners previous to the issuing of the warrant; the Commissioners shall pay the Justice, Officer, Jurors, and Witnesses, the before named fees; and in every case of investigation of a public road, if the Jury find such road necessary, all such expenses, with the amount of the assessment for damages as aforesaid, shall be laid by the said Commissioners before the next General Sessions for the County.

14. The General Sessions, when such assessment of damages shall be laid before them, shall, during such Session, make an order that the amount thereof, together with such expenses, shall be assessed upon the Parish in which such road is situate, and issue their Warrant therefor, to be assessed, levied and collected as County rates, and paid by order of the Sessions to the parties entitled thereto.

15. All the public roads, streets and bridges in each County, shall be cleared, maintained and repaired by the male inhabitants thereof, being twenty-one years of age and upwards, except Ministers of the Gospel, and Licensed School Masters, employed as such, not having property liable to assessment, and emigrants from Great Britain and Ireland arriving within the year the assessment is made; who shall work either in person or by sufficient substitutes in such year, with such implements as the Surveyors shall direct, the number of days, eight hours actual labor to each day, as follows, namely, all persons of twenty-one years of age and above, three days; and for any real or personal estate he may possess, not exceeding four hundred dollars, one day; exceeding four hundred and not exceeding twelve hundred, two days; exceeding twelve hundred and not exceeding

two thousand dollars, three days; and so on in like manner for every eight hundred dollars, one day additional for any real or personal estate he may possess, not in the whole to exceed thirty days in any one year; and for every eight hundred dollars of real or personal estate over and above such sum as will together with the three days poll rate make thirty days, the owner of such property shall be taxed at the rate of fifty cents for every eight hundred dollars, which shall be paid in money. Two Justices, on the application on oath of any infirm or indigent person or persons of the age of sixty years, may remit in whole or in part his statute labour for the year in which such application is made; provided that the real estate referred to in this Section shall be situate in the Parish in which the owner thereof resides; nothing however herein contained, to exempt the real or personal estate of such infirm or indigent persons from taxation.

16. All divided or undivided estates of females and minors shall be assessed in the same ratio as the estates of residents; any assessment on the property of females and minors may be paid for in labor by substitutes.

17. The assessment upon females and minors under the preceding Section, when not paid in labor or otherwise, shall be recovered in the manner following, that is to say:—The Commissioners of Highways for the Parish in which the estate is situate, shall give notice of such assessment in any newspaper published in the County, and if there be none then in the Royal Gazette for three months; if the same be not then paid, with the expense of such notice, any two Justices of the Peace, on the application of such Commissioners, shall issue their Warrant in form A, and in case of non-payment and on deficiency of personal property, so much of the real estate assessed as shall be necessary to pay the said assessment and the expenses of advertising and sale shall be advertised and sold by the Sheriff of the County, to the highest bidder, and he shall execute a deed thereof to the purchaser, which deed when duly executed shall be deemed and taken to be a prima facie evidence that the proceedings, previous to the execution of such deed, were rightly had and done; and such money, when collected, shall be paid to the said Commissioners, to be by them applied in repairing the public roads or streets in the Parish in which the lands lie.

18. The Commissioners, of Roads in each Parish shall by the first day of May in each year, make a list of the inhabitants of

such Parish, and assess the number of days to be performed by them respectively, according to the best of their judgment, and shall advertise the same in the most public place of said Parish, and divide said Parish into as many sub-districts as they shall think necessary, and make a return to the Town Clerk of the number and description of such sub-districts,—and no greater number of Surveyors shall be elected or appointed in any Parish than there are sub-districts, being one for each sub-district,—and shall furnish the Surveyors in the respective sub-districts with a list of inhabitants liable to work in such sub-district, and the number of days' work to be done by each; and shall, within fifteen days, instruct the Surveyors where the labor shall be performed, and the Surveyors to direct the work; the Commissioners of Roads shall add to their lists the names of the persons that may come to reside in their respective Parishes after the said first day of May, except as before excepted, and assess the number of day's work to be performed by each, unless they produce certificates of the performance of or liability to do statute labor in some other Parish; in the cases where the Parish has previously been divided into three districts, under the provisions of the second Section of this Act, each Commissioner of Roads shall divide his district into as many sub-districts as he shall think necessary, and make a return to the Town Clerk of the number and descriptions of such sub-districts, and no greater number of Surveyors shall be elected or appointed in any such district than there are sub-districts, and shall furnish the said Surveyors each with a list of the inhabitants liable to work in such sub-district, and the number of days' work to be done by each, and shall within fifteen days direct the Surveyors where the labor shall be performed, and to oversee and direct the performance thereof.

19. The Commissioners of any Parish or District may, previous to the commencement of the labor, receive from any person assessed to perform such labor, the sum of fifty cents for each days' labor required, in lieu of the labor; and the moneys so paid, as well as the forfeitures under this Act, shall be laid out by such Commissioner or Commissioners on the roads and bridges, between the first day of May and the first day of September in each year, first giving six days public notice by advertisement within the Parish or District, of the time and place intended to expend the same, and shall let out the work by Public Auction to the lowest bidder.

20. The Surveyor when directed by the Commissioners shall, at the most suitable time between the first day of May and the first day of August in each year, summon the inhabitants, giving a least six days' notice to each person liable to work, either by personal service or by leaving the notice at his place of residence, or by publishing the same in writing in three of the most public places in the district, which shall contain the names, the number of days' work to be done by each respectively, and the implements to be used by each; the labor shall be expended in making or improving the roads and bridges in the best manner, subject to the orders of the Commissioner, and the Surveyor may call on any person in his district having any waggon, cart, truck, plough or harrow, oxen or horses, to furnish the same, with a competent driver, and shall allow one days' work of two oxen or two horses, with cart, plough or harrow, and driver, to be equal to three days of one man.

21. Every Surveyor shall on oath, before the first day of September in each year, deliver to the Commissioner a return of the names of the persons in his district liable to perform statute labor, the number of day's work performed by each, and the delinquency.

22. Every person when required by any Commissioner of Roads shall within twenty-four hours, give him a statement in writing of all persons residing in his house, or in his employ, liable to perform statute labor; and any person neglecting to give such statement, or giving a false one, shall pay a sum not exceeding forty dollars, to be recovered in the name of one of the Commissioners of the Parish or District; when recovered to be paid to the Commissioners, and applied to making and repairing the roads.

23. Every Surveyor, within six days after the neglect of any person duly notified to appear and labor, or pay the commutation money, or appearing and refusing to work to the satisfaction of such Surveyor, and being dismissed therefor, shall report the same to the Commissioner, who shall forthwith make complaint to a Justice of the Peace against such delinquent, who, on judgment obtained, shall for each day's neglect adjudge him to pay eighty cents, with costs of suit; the penalty, when received, to be applied by said Commissioner in repairing the roads in the Surveyor's district where the offence is committed; the delinquent shall not suffer more than six days' imprisonment in any case, and the proceedings shall be before the Justice as in civil suits.

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24. If any person keeping any waggon, cart, truck, plough, harrow, two oxen, or two horses, when duly required to furnish the same, with a competent driver, shall neglect to do so, the Surveyor shall forthwith make complaint to the Commissioner, who shall immediately proceed against him in the manner directed by the last preceding Section; the offender shall be adjudged to pay two dollars and forty cents for every day's neglect, to be applied as provided by the twenty-third Section of the Act, or be liable to be imprisoned not exceeding six days.

25. During the interval between the performing of statute labor the Commissioners may as occasion requires, direct the Surveyors to summon so many of the inhabitants as may be necessary to remove all trees or windfalls out of the roads, and to repair all bridges and such parts of roads as may require it, and to furnish the materials therefor, and call upon persons keeping any vehicle or team to attend with the same, the work then performed to be deducted from the number of days each person may be obliged to work on the roads; any person not attending, or refusing to work, shall forfeit one dollar and sixty cents for each day's neglect or refusal, and three dollars and twenty-five cents for neglecting to furnish the vehicle or team as aforesaid, to be recovered and applied as directed by the twenty-third Section of this Act.

26. The Commissioners, after the first snow, and when the rivers and marshes are safe for the passing of cattle on the ice, shall direct the Surveyors to summon forthwith as many inhabitants as they shall think necessary, to perform such work as the Surveyors shall direct, in cutting, carrying and erecting bushes, and making ways; any person not attending or refusing to work as directed, shall forfeit one dollar and sixty cents for each day's neglect, to be recovered and applied as aforesaid; the rivers and the several parts thereof when frozen, shall be considered as part of the Town or Parish to which they are respectively opposite, and the Commissioners for the Towns or Parishes opposite to each other shall determine the distance upon the river which is to be worked upon by the inhabitants of the respective Parishes.

27. The said ways shall be marked as directed by the Commissioners, with green bushes five feet high, erected lengthwise alongside of the path, not more than four rods from each other, and shall be replaced in the same manner when necessary:

When the road is on the bank the path shall be marked on the river; and every person keeping a team, on being summoned by the Surveyor, shall forthwith send such team with a competent driver to work as directed, and neglecting to do so shall forfeit three dollars and twenty cents, to be recovered and applied for the purpose of this Section.

28. Any person who shall wilfully cut and take down or destroy any bushes so erected, shall pay four dollars, one half to be applied for the use of the roads in the Parish where the offence is committed, the other to the informer; the offender shall not be imprisoned for want of goods whereupon to levy more than six days.

29. The Surveyors in their districts during the winter season when necessary, shall summon so many of the inhabitants liable to do statute labor as they may think fit, to attend with shovels and under the directions of such Surveyors to haul or shovel snow, and assist to break the roads; and so many of the inhabitants having horses or teams as they think necessary, to attend on the roads, and break the same in the snow with such horses or teams, not exceeding four days in each winter, nor more than three miles from their own dwelling, such work not to be deducted from their statute labor for the current year; any person not attending either in person or by a good and sufficient substitute, or refusing to work, shall pay one dollar for each day's neglect, and two dollars per day for not attending or refusing to work with his horse and team as aforesaid, to be recovered as prescribed in the twenty-third Section of this Act, and applied by the Commissioners to breaking and repairing such roads; the Surveyors, in performing the duty imposed by this Section, shall be subject to the orders of the Commissioners.

30. The powers of the Commissioners and Surveyors of Roads appointed under this Act shall, in their respective Parishes, Districts, the Sub-districts, extend to the parts of the great roads of communication passing through the same; and the necessary repairs, the clearing out of obstructions, and the breaking down and shovelling of the snow, shall be done under their authority, subject to the same conditions, liabilities, penalties and forfeitures that are in this Act hereinbefore particularly set forth; provided that no such Commissioners or Surveyors shall have power to alter any Great Road.

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31. The Commissioners of Roads, on or before the fifteenth day of December in each year, shall deliver to the Clerks of the Peace of their respective Counties, returns with vouchers, to be by the said Clerks filed in their offices, which returns shall be according to the form hereinafter set forth: If any balance remain in the hands of any Commissioner, he shall pay the same to the County Treasurer, to be disposed of by the Sessions for the benefit of the roads and bridges in the Parish where such money was collected; and further provided, that whenever any Commissioner, or other County or Parish Officer, shall not account for or pay over any moneys which have come into his hands as such officer, and which by law he is required to account for or pay over, all such proceedings may be taken against such officer, or his estate in case of death, by order of any General or Special Sessions, and by and in the name of the County Treasurer of the County, as are now used in any Court of Law or Equity in this Province, in case of any creditor against any debtor.

32. Every horse-sled or sleigh drawn on any road, shall have fastened to it or the harness thereof, two or more bells, so as to be distinctly heard, under the penalty of one dollar for each offence, to be recovered from the owner or driver by any person who shall sue for the same, as provided by the twenty-third Section of this Act.

33. The Commissioners of Roads for the respective Parishes shall annually file a copy of the list of the inhabitants liable to the performance of statute labor, in the office of the Clerk of the Peace, within ten days after the publication thereof; and shall also lay before the Parish Meeting annually appointed for the election of Parish Officers, a copy of the return previously made to the Clerk of the Peace, as directed by the thirty-third Section of this Act; the said return to be publicly read in such meeting for the information of the inhabitants of such Parish.

34. All Commissioners and Surveyors of Roads shall be exempted from the performance of statute labor.

35. The annual returns required to be made by the Commissioners of Roads shall be made by them respectively, under oath, as hereinafter mentioned.

36. It shall be the duty of all the Commissioners of Roads, whether for undivided Parishes or separate Districts, to enforce in their several Parishes and districts respectively, the performance of all the duties and services by this Act required, and to

prosecute for and recover all the fines and penalties thereby imposed.

37. The return to be delivered to the Clerk of the Peace aforesaid, as required by the thirty-third Section of this Act, shall be in the following form:—

The undersigned Commissioners (or Commissioner, as the case may be,) of Roads for the Parish of _____, (or District of the Parish of _____) certify (or certifies) that all persons assessed to work in the said Parish (or District) have either worked, paid the commutation or fine, or been prosecuted as the Law directs, except the persons excused.

[Here insert an account of the receipt's and expenditures, shewing the balance of the money, if any, on hand, thus]—

Statement of moneys expended,	} Specify the items
Statement of moneys received,	
List of persons from whom fines not received,	
List of persons excused and the cause of excuse,	

A. B.	} Commissioners of Roads.
C. D.	
E. F.	

or A. B., Commissioner of Roads.

Sworn to before me, G. H., Justice of the Peace.

38. Any person thinking himself overrated or assessed too high by the Commissioners of Roads, may, after notice in writing to Commissioners, appeal to the next General Sessions for the County; if the appeal be sustained, the Sessions may relieve him by deducting the surplus from the amount of statute labor to be performed by him the next year.

39. No appeal shall be allowed unless the appellant, within one month after notice of assessment or summons to work, leave a memorandum with the Clerk of the Peace, or with a Commissioner of Roads to be transmitted to him, which memorandum shall be accompanied with an affidavit to the following effect:—I, A. B., of _____, do make oath that the whole of the property, real and personal, held by me, or by any person in trust for me, does not exceed _____, and that my whole yearly income does not exceed _____

A. B.

Sworn before me, C. D., J. Peace.

40. Every Commissioner and Surveyor of Roads, for any neglect of duties imposed upon him by this Act, shall be liable for every offence to a penalty of not less than eight dollars nor more than twenty dollars, to be recovered on the complaint of any freeholder; one half to be paid to the person suing for and recovering the same, and the other half to be applied for the improvement of the roads in the district where the offence was committed.

41. If any Commissioner of Roads shall neglect or refuse to render his account for all monies received by him and work done under his direction, or shall retain in his hands any moneys contrary to the provisions of this Act, or not properly expend the same, any General Sessions may order him to be brought before them, and the officer receiving such order shall execute the same according to the exigency thereof: The Sessions, on such Commissioner being brought before them may if they see fit, commit him to gaol until he make due satisfaction, unless on cause shewn they deem it proper to discharge him.

42. The General Sessions of the Peace in the several Counties shall pay to Constables and other officers, their reasonable fees for services performed under this Act, not otherwise provided for.

43. Prosecutions and proceedings against delinquents for any neglect to pay the commutation money, or to perform work, as required by the twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, and twenty-ninth Sections of this Act, shall be on complaint of the Commissioners, and in their name of office, and the proceedings shall be regulated as nearly as may be by the law in force relating to actions before Justices of the Peace in Civil Suits; and no such proceedings shall cease by reason of any change of Commissioners, but may be continued by succeeding Commissioners.

44. In all actions for the recovery of fines or penalties, or other moneys under this Act, the party may be held to bail on the oath of any Commissioner of Roads.

45. Every prosecution for any of the forfeitures mentioned in this Act shall be commenced within six months after the offence.

46. Nothing contained in this Act shall interfere with any special or local laws now in force, relating to the applications of the statute labor in any City, Town, or Parish: In any Parish in which any local law may be in force regarding high-

ways, this Act to be in full force when it does not interfere with the provisions of said local Act.

47. In incorporated Counties, the County Council may in the manner provided by any law relating to Municipal authorities, make such bye-laws as they deem necessary to carry into effect the objects contemplated by this Act, and generally to provide for the repairing, cleaning, improving and maintaining the roads in the County or any part thereof, and provide therefor either by an assessment on the poll, property and income of the inhabitants, by a statute labor impost, or otherwise, or raise such sum as they require for that purpose, in such amounts as they deem necessary, and in the manner provided by any laws in force for levying, assessing and collecting County or Parish rates, and may enforce the observance of any laws by such penalties as they may prescribe.

The following, or words to the like effect, may be among the forms of proceedings:—

PRECEPT TO COLLECTOR.

To any Constable of the Parish of

You are hereby required to collect from the several delinquents named in the annexed Schedule of Assessment for road work, the sums set against their names respectively, and to pay the same when collected to the Commissioners of Roads for the said Parish.—Dated the day of 186 .

A. B. }
C. D. } *Commissioners.*
E. F. }

NAMES OF DELINQUENTS.

L. M.	..	..	..	\$1 60
N. O.	..	..	..	2 40
P. Q.	..	..	..	4 80
R. S.	..	..	..	4 80

NOTICES BY COLLECTORS IN NEWSPAPERS.

The undermentioned persons, assessed for road work in the Parish of , in the County of , are required to pay to the Subscriber their respective assessments, with the costs of advertising, otherwise legal proceeding will be taken against

their real estate, situate in the said Parish, for payment of the same at the end of three months. Dated the _____ day of _____ 186 .

Names	Amount.
N. O.	\$2 40
R. S.	4 80

FORM OF SUMMONS.

County of _____, ss.

To any Constable of the Parish of _____

Summon N. O. to appear before me at my office in said Parish, on the _____ day of _____ at the hour of _____ to answer the complaint of the Commissioners of Roads for said Parish, for _____ dollars and _____ cents, for neglect to perform road work, and make return hereof forthwith, as by law directed.—Dated the _____ day of _____ 186 .

G. H., *Justice of the Peace.*

FORM OF CAPIAS.

County of _____, ss.

To any Constable of the Parish of _____

You are hereby required to take the body of N. O., and him safely keep, till he shall give good bail, to answer the complaint of the Commissioner of Roads for said Parish, for _____ dollars and _____ cents for neglect to perform road work, and notify the defendant that the cause will be heard before me at my office on the _____ day of _____ at the hour of _____; in default of bail being given, you are required to bring the said defendant before me, that he may be dealt with as the law directs. Dated the _____ day of _____ 186 .

G. H. *Justice of the Peace.*

Oath for _____ dollars and _____ cents.

FORM OF EXECUTION.

County of _____, ss.

To any Constable of the Parish of _____

Levy of the goods and chattels of N. O. in your Parish _____ dollars and _____ cents, which the Commissioners of Roads for said Parish recovered against him in the _____ court before me, and _____ dollars and _____ cents for costs, for neglect to perform road work, besides your costs for levying this Execution, and

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pay over such money to the said Commissioners: For want of goods and chattels whereon to levy, take the body of N. O., and deliver him to the keeper of the gaol of the said County, to be by him kept in confinement for days, unless the said several sums and your costs be sooner paid. — Given under my hand this day of 186 .

G. H., *Justice of the Peace.*

A.

WARRANT TO SELL PROPERTY.

To Wit:

To the Sheriff of

A. B. of the Parish of , in the County of , having been assessed in the Parish of , [as the case may be,] in the sum of for Highway rate; and due notice according to law having been given, and the same not having been paid, and C. D. and E. F., Commissioners of Roads for the said Parish, having applied to us, we do order and command you to levy on the personal estate of the said A. B. for said amount, together with for the expenses, besides your costs and charges; and on no personal property being found, to sell at public auction to the highest bidder, first giving thirty days' notice of such sale, so much of the real estate of the said A. B. situate in the said Parish, as in your judgment shall be sufficient to pay the said assessment, together with the expenses, costs and charges aforesaid, and make return hereof forthwith to us.—Dated the day of A. D. 186 .

L. M., *J. Peace.*

N. O., *J. Peace.*

AN ACT

In amendment of and in addition to certain Chapters of Title VIII, of the Revised Statutes, "Of the local government of Counties, Towns and Parishes."

Passed 23rd April, 1862.

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

1. All County Officers appointed under and by virtue of Chapter 52, of Title viii, of the Revised Statutes, "Of the local government of Counties, Towns, and Parishes," shall be sworn

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into their respective offices on receiving their respective appointments, by any Justice of the Peace for the County for which they may be appointed, who shall thereupon give notice thereof to the Clerk of the Peace of such County; and any County officer refusing or neglecting to make the necessary oath, or perform any of the duties of the office, shall for each offence forfeit the sum of forty shillings.

2. Every County, Town or Parish officer who may be required, under any provision of the fifty-second and fifty-third Chapters of the said Title, to give a bond or security for the due performance of the duties of his office, and who shall neglect or refuse so to do, shall forfeit such office; and the Court, or any two Justices of the Peace for such County, in vacation, shall forthwith appoint a substitute for the same, who shall give the like bond, and on the like neglect or refusal there shall be the like forfeiture, and so on as often as the said appointment may be necessary from the like cause, and as a bond or security may not be given thereupon according to this Section.

3. Whenever the Clerk of the Peace may be required to call a Special Sessions, as directed by the sixteenth Section of Chapter 52, of the said Title, the notice thereof may be transmitted to the respective Justices through the Post Office, or left at their last place of abode; but no notice shall be necessary for holding any special Sessions for any specific matters of business, when the same shall be ordered at any previous General Sessions.

4. If on any order of bastardy made by virtue of Chapter 57, of the said Title, the reputed father be committed to goal for neglecting to perform such order, or to enter into the recognizance required by the said order, and afterwards he may be prepared to do so, any Justice of the Peace may order him to be discharged from goal, on his paying to the Commissioners of the Alms House, or Overseers of the Poor, as the case may be, all moneys under said order, and entering into the like recognizance before such Justice as taken upon the order of affiliation referred to in the said Chapter by the Letter (M,) and such Justice for that purpose may order him to be brought before him, and the sheriff shall obey such order; the order of affiliation to remain in force until fully discharged, by payment of the remaining sums ordered; any Justice shall have like power to release any person committed in any bastardy case,

for want of sureties or otherwise, before hearing, on his giving the necessary recognizance to indemnify the Parish or County, or to appear at the Court to answer the charge.

5. If any person charged with being the father of a bastard child, or of a child likely to be born bastard, and chargeable or likely to become chargeable to the Parish, or against whom an order of affiliation has been made, or against whom any proceeding in bastardy or arising out of bastardy, may be pending, or any judgment shall have been had, shall pay into the hands of the Commissioners, or of the Overseers of the Poor, as the case may be, the sum of twenty-five pounds, together with all costs, charges and expenses legally incurred in such proceeding up to the time of such payment; such payment shall be a full release in the law, of the party charged, of and from that complaint, order of affiliation, proceeding and judgment, and of any recognizance entered into in that case, and the said recognizance shall be cancelled; and if the principal should happen to be in custody by virtue of any process or proceeding arising from that complaint, he shall be forthwith discharged.

6. When a judgment shall be entered by order of the Sessions for forfeiture of any bastardy recognizance, the same shall stand as a security for any further damages which may from time to time become due thereon; and upon notice to the party against whom the judgement may be obtained, to be personally served or left at his last place of abode, and proof thereof, and of the amount of such damages by affidavit, the Sessions may order subsequent executions (P) as referred to in said Chapter, to issue thereon as from time to time may be necessary, but such damages not to exceed in the whole the necessary maintenance of the child for such term of seven years, exclusive of the costs of the judgment and subsequent proceedings; the judgment shall be entered for the amount of damages and costs and execution issue accordingly.

7. On the Sessions ordering any person to be committed to gaol under the twelfth Section of the said Chapter 57, the Clerk of the Peace shall make out and deliver to the Sheriff or his Deputy, or in case of the absence of both, to any constable in attendance on the Court, the commitment in the Schedule herewith marked (Q), which shall charge the Sheriff with the custody of such party.

8. Nothing in Section 12 of Chapter 52 of the Revised Statutes, "Of Parish and County Officers," shall apply or be

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construed to apply to the Commissioners appointed or to be appointed under Act of Assembly 1st Victoria, Chapter 17.

9. The Sessions may, by regulations, impose a penalty not exceeding eight dollars, upon any person who shall by insulting or abusive language or behaviour, taunting epithets, or threatening gestures, attempt to provoke another person to commit a breach of the peace in any public street, thoroughfare, alley, road, or bye road, or in any building, or whereby a breach of the peace may be occasioned; and any Justice or Justices having jurisdiction shall have the power of fining to the extent so imposed, or below, at his discretion; such fines for offences committed within the Police Districts of Chatam and Newcastle, shall be paid and applied as directed by the laws passed for establishing and maintaining the Police in the said Towns; provided that nothing in this Section shall extend to the City of Saint John, or Parish of Portland in the City and County of Saint John.

AN ACT

To amend the Revised Statutes, Chapter 53, "Of Rates and Taxes."

Passed 23rd April, 1862.

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

1. Every Collector shall immediately after receiving the Assessment List, publish in the Royal Gazette for three months a list of all persons assessed in the Parish as non-residents, upon whom demand of payment has not been made as provided in the twenty-fourth section of Chapter fifty three of the Revised Statutes, with the amounts of their respective rates, and a notice that unless such rates, with the costs of advertising, are paid within that time, the real estate of such persons will be sold, or other proceedings taken for the recovery of the amount.

2. If any person so assessed, residing in the County for which the assessment is made, shall neglect to pay such rate, and the costs of advertising, within the three months the Collector shall apply to a Justice, who upon oath made that the notice required by the first section of this Act has been duly published, and that the rate and expenses have not been paid, shall issue an execution against such person as provided in the twenty-fifth section of Chapter fifty-three of the Revised Statutes.

3. If any person assessed as a non-resident, and having a known place of abode within the Province, shall neglect to pay his assessment within the time limited by the first section of this Act, the Collector shall apply to a justice of the Peace of the County where such person shall reside, who, upon the production of a certificate from the Clerk of the Peace or Secretary Treasurer of the County, as the case may be, where the assessment was made, of the amount of such assessment, and the costs of advertising, and that due notice has been given as required by the first section of this Act, shall issue an execution against such person as directed in the thirty-fifth section of the fifty-third Chapter of the Revised Statutes; and no proceedings shall be taken against the real estate of such non-resident until after the return of such execution.

4. Before granting the certificate, the Clerk of the Peace or Secretary Treasurer shall take from the Collector an affidavit, that the notice had been duly published, and that the assessment is unpaid: which affidavit shall be filed in the office of the Clerk of the Peace or Secretary Treasurer, as the case may be.

5. The proceedings upon any execution issued under the provisions of this Act shall be according to the directions of the twenty-fifth section of Chapter fifty-three of the Revised Statutes.

6. If any person so assessed, and not residing within the Province, shall neglect to pay such rates, and the costs of advertising, within the three months, the Collector shall make and subscribe an affidavit (A) according to the schedule in this Act; and any Justice of the County shall thereupon on application of the Collector, issue a Warrant (B); the affidavit shall be annexed to the warrant, and the Sheriff, to whom the warrant is directed, shall not execute it unless the affidavit is annexed.

7. If the Collector goes out of office or dies after the advertising, the proceedings may be completed by his successor, who shall make affidavit of the regularity of the proceedings taken himself, and that by diligent search and enquiry he verily believes that the proceedings taken by his predecessor have been regular.

8. The Sheriff upon receiving a warrant for the sale of real estate, shall endorse thereon the day of receiving the same and shall forthwith file in the office of the Registrar of Deeds for the County a Memorandum (C) which shall operate as a lien or

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charge upon all the lands of the person named in the warrant within the County until the sale and conveyance thereof by the Sheriff, and shall have priority over any conveyance, mortgage, or charge made by or any judgement recovered against such person after the delivery of the warrant to the Sheriff.

9. At the expiration of one year from the day of receiving the warrant, if the sum mentioned in the warrant and the costs and expenses remain unpaid, the Sheriff shall summon a Jury of three disinterested freeholders not residing in the Parish where the lands lie, who, after being sworn by the Sheriff to the impartial discharge of their duty, shall view the land in the presence of the Sheriff, and shall set off and define, in writing under their hands, so much of the said land as in their judgment shall be sufficient to pay the amount mentioned in the said warrant, with costs and expenses; and the Sheriff shall advertise and sell the land so set off, and no more.

10. The Sheriff shall have power to postpone the sale, if he considers it necessary, for a period of not less than thirty days, nor more than three months.

11. The Deed to be executed by the Sheriff on any sale under this Act shall be according to the form (D) as near as may be, which shall convey all the interest of the person assessed at the date of the delivery of the warrant to the Sheriff, free from all liens, charges or incumbrances upon the said land since the registry of the Memorandum, (C)

12. The Deed of the Sheriff duly executed, acknowledged, and registered, with an affidavit of such officer or his deputy endorsed thereon in the form (E), made at any time before the registration of such Deed, and sworn before any person authorized to take acknowledgements or proof of Deeds, that the property so conveyed was regularly seized, advertised, and sold, with proof of the Justice's Warrant, and Collector's affidavit thereto annexed, and upon which such seizure, sale and conveyance are founded, shall in all Courts be deemed and taken to be *prima facie* evidence of all things therein set forth.

13. If the Sheriff goes out of office or dies after the delivery of the warrant and before the completion of the sale, the proceedings may be completed by his successor, who shall make affidavit of the regularity of the proceedings taken by him, and that by diligent search or enquiry, he verily believes that the proceedings taken by his predecessor have been regular.

14. The warrant for sale, with the affidavit of the Collector thereto annexed, and the Sheriff's return of his proceedings thereon, shall immediately after the sale be filed by him in the office of the Registrar of Deeds for the County.

15. The Sheriff shall pay over the proceeds of the sale (after deducting the expenses) to the County Treasurer, who shall apply the same in the first place to the payment of the amount mentioned in the warrant, and the balance (if any) to be paid to the person who may be entitled to receive the same.

16. Proceedings for the recovery of rates may be taken and prosecuted to execution in the name of the Collector for the time being, although the Collector to whom the assessment list was delivered may have gone out of office since the delivery thereof.

17. If any money shall be paid to a Justice of the Peace upon execution or otherwise, in payment or satisfaction of any rate or assessment made by virtue of the authority and provisions of the Act to which this is an Amendment, and such Justice shall have neglected or refused, after demand, to pay over the same to the Collector for the time being of the County or Parish to which such money was due, such neglect or refusal shall be deemed a misdemeanor and punished as such; and the Collector for the time being of such County or Parish, shall and may in his own name maintain an action of assumpsit against such Justice in the Supreme Court, as for money had and received, in which action he shall be entitled to recover interest on the money so paid to such Justice from the time of demand, besides costs of suit; and such action shall be a bar to any criminal prosecution for the said offence.

18. Any part of the said Chapter which is inconsistent with the provisions of this Act is hereby repealed.

AN ACT

Further to amend an Act intituled *An Act in amendment and consolidation of the Laws relating to Highways.*

Section.

1. Section 16, 25 Vic. cap. 16, repealed.

Section.

2. Assessment on estates of females, minors, and non-residents, how collected and applied.

Passed 20th April, 1863.

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

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1. The sixteenth Section of an Act passed in the twenty-fifth year of the Reign of Her present Majesty, intituled "An Act in amendment and consolidation of the Laws relating to Highways," is hereby repealed.

2. All divided or undivided estates of females, minors, and non-residents, shall be assessed in the same ratio as the estates of residents, to be levied and collected as provided in and by the seventeenth Section of the Act to which this is an amendment, and to be paid to the Commissioners of the Parish in which such estate is situate, in proportion to the assessment made on such estate, to be by them applied in repairing the Roads or Streets in such Parishes; any assessment on the property of females or minors may be paid in labor, by substitute; provided that this Act shall not apply to lands of non-residents subject to the tax of one cent per acre, levied under the Act made and passed in the twenty fourth year of Her Majesty's Reign, intituled "An Act to impose a tax on unimproved granted Lands, to provide a fund for opening of Roads and building Bridges in the Parishes in which the Lands lie."

AN ACT

To amend an Act intituled *An Act to amend the Revised Statutes Chapter 53, 'Of Rates and Taxes.'*

Section.

1. Act 25, Vic. Cap. 30, repealed.

Section.

2. Assessments due by non-residents. How recovered.

Passed 20th April, 1863.

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

1. That the third Section of an Act made and passed in the twenty-fifth year of the Reign of Her present Majesty, intituled "An Act to amend the Revised Statutes, Chapter 53, 'Of Rates and Taxes,'" be and the same is hereby repealed; and in lieu thereof,—

2. That if any person assessed as a non-resident, and having a known place of abode within the Province, shall neglect to pay his assessment within the time limited by the first section of the Act to which this Act is an amendment, the Collector shall apply to a Justice of the Peace of the County in which such person may reside, who, upon the production of a Certificate from the Clerk of the Peace or Secretary-Treasurer of the

County, as the case may be, where the assessment was made, of the amount of such assessment, and the costs of advertising, and that due notice has been given as required by the said first Section of the said Act, shall issue an Execution against such person as directed in the twenty fifth Section of the fifty third Chapter of the Revised Statutes; and no proceedings shall be taken against the real estate of such non-resident, for recovery of such assessment and costs, until after the return of such execution.

AN ACT

Requiring Justices of the Peace to make due return of the Lists of Defaulters in payment of Rates placed in their hands for collection.

Section.

1. List of Public Rate defaulters to be furnished by Justices; penalty for neglect, how recovered.

Section.

2. Fines, how to be applied.

Passed 20th April, 1863.

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

1. That from and after the passing of this Act, it shall be the duty of every Justice of the Peace to whom any List of Defaulters in payment of Rates or Assessments shall be given by any Collector of Rates or Commissioner of Highways, for the purpose of being recovered by such Justice, on the first day of the General Sessions of the Peace, or general meeting of Councillors in incorporated Counties, next after the receipt of such List, to lay before such General Sessions of the Peace, or meeting of Councillors, a detailed statement in writing under the hand of such Justice, setting forth his doings thereon, shewing the names of defaulters as first given to him, the names of the persons against whom he has taken legal proceedings, and the several amounts collected and paid over, and to whom paid; and any Justice of the Peace hereafter neglecting or refusing to fulfil the duty hereby imposed upon him, shall be liable to a penalty of twenty dollars, to be sued for and recovered in any competent Court, in the name of the County Treasurer, or Secretary Treasurer in incorporated Counties.

2. The fines collected or imposed under this Act to be paid to the County Treasurer and to be applied for County purposes.

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AN ACT

To prevent Nuisances upon Public Highways.

Section.

1. What erections prohibited; penalty.
2. Sale of liquor prohibited; penalty.
3. Magistrate or Special Constable may order and enforce removal of nuisance.

Section.

4. Special Constables, how appointed.
5. Violations when committed in Saint John, how prosecuted.

Passed 20th April, 1863.

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

1. That no person shall erect or place any booth, shanty, shed, tent, house, or other incumbrance, upon any road, highway or street within this Province, under the penalty not exceeding twenty dollars, together with costs of prosecution or of imprisonment for a period of not more than thirty days.

2. That no person shall directly or indirectly barter or sell any liquor upon any road, highway, or street, or within any booth, shanty, tent, shed, house, or other erection, placed wholly or in part upon any road, highway, or street, under a penalty not exceeding twenty dollars, together with costs of prosecution, or imprisonment not more than thirty days.

3. That any Magistrate or special Constable to be appointed under the authority of this Act, may take down and remove any booth, shanty, tent, shed, house, or other erection, placed, after the passing of this Act, upon any road, highway, or street, and may direct and require any persons found therein, to move on and away from such booth, shanty, tent, shed, house, or other erection, and on refusal of such persons so to move on and away, may remove them, and shall have all other the powers incident to the office and duty of a Constable for preserving the public peace and preventing any breach thereof.

4. That any such special Constable may be appointed under the hand of any Magistrate of the County, or of any neighboring County, and shall be sworn before such Magistrate to carry out and fulfil the provisions of this Act, so far as the same relates to the duties of a special Constable, and generally to preserve the peace in the County or District for which such special Constable may be appointed.

5. That all prosecutions for violating any of the provisions of this Act shall be had, if committed in the County of Saint John, before the Police Magistrate of the City of Saint John or of the Parish of Portland; or if within the Police District of

the European and North American Railway, before any Police Magistrate along the line of the European and North American Railway; or if committed in any place not within the County of St. John, and not within the said Police District, then before any one of her Majesty's Justices of the Peace of the County in which the offence was committed.

AN ACT

To provide for Securities to be given by Public Officers in this Province.

Passed 20th April, 1863.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That in all cases where no provision is already made by law for security to be given by Public Officers, every person appointed or hereafter to be appointed to any office, employment or commission under the Government wherein he shall be concerned in the collection, receipt, disbursement or expenditure of any public money, shall execute a Bond to the Queen, in such sum and with such sufficient surety or sureties as may be approved of by the Governor in Council, for the faithful discharge of his duties, and for his duly accounting for all public moneys received by him or entrusted to his control.

AN ACT

To provide for the more efficient discharge of the duties of certain Parish Officers in Incorporated Counties, and for other purposes therein mentioned.

Section.

1. Overseers, when to make returns.
2. Duty of Collectors.

Section.

3. Powers vested in General Sessions by Act 25 V. c. 16, also vested in County Councils.
4. Fines to be prosecuted within six months.

Passed 20th April, 1863.

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

1. That the Overseers of the Poor for the several Parishes in incorporated Counties, unless otherwise directed by any special Act or Acts of the General Assembly, shall, on or before the first day of January in each and every year, make returns in writing, under oath, to the Secretary-Treasurers of

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their respective Counties, containing a detailed account of all moneys placed in their hands, or in the hands of any of them for the support of the poor or otherwise in their capacity of Overseers of the Poor, with the expenditure or other disposition of the same, accompanied by vouchers for the sum expended or disposed of, under a penalty against such Overseers, of the Poor as may neglect the duty hereby imposed, of a sum not exceeding ten pounds, to be recovered before any Justice of the Peace of the County, with costs, in the name of the Secretary-Treasurer, under the provisions of Chapter one hundred and thirty eight, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions,' or of any Act made or to be hereafter made in addition to or in amendment of the same; and such penalty, when recovered, shall be paid over to the Secretary-Treasurer for the use of the County in which such offence may have been committed.

2. That it shall be the duty of the Collectors of rates for several Parishes in such Counties, and they are hereby required to file with the Secretary-Treasurers in their respective Counties, the true account of every sum of money received, with vouchers, and correct list of defaulters, verified on oath, and the list given them by the Assessors, in the manner and at the time in which such account should be filed with the Clerk of the Peace under the Provisions of the twenty seventh Section of the fifty third Chapter of the Revised Statutes, Title viii, 'Of Rates and Taxes,' under a penalty of a sum not exceeding ten pounds, to be recovered and applied in the manner directed by the preceding Section.

3. That all powers and authority vested in the Justice of the Peace in General Session in their respective Counties, under the provision of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled "An Act in amendment and consolidation of the Laws relating to Highways," or of any Act or Acts in addition to or amendment or explanation of the same, now made or hereafter to be made shall be and are hereby vested in the Municipal or County Councils of the several Incorporated Counties; and that all Commissioners of Highways for the several Parishes in such Counties shall deliver to the Secretary Treasurers of their respective Counties, at the times directed in and by the said Act, all lists, returns and accounts therein mentioned and required to be filed by the said Secretary Treasurers in their respective

offices ; and the said Commissioners of Highways in incorporated Counties shall be subject and liable to all the fines, penalties and forfeitures prescribed by the said Act, to be sued for, recovered and applied as hereinbefore directed.

4. Every prosecution for any of the fines, penalties, and forfeitures in this Act mentioned, shall be commenced within six calendar months after the offence has been committed, and not after.

AN ACT

To amend an Act intituled *An Act in amendment and consolidation of the Laws relating to Highways*

Passed 13th April, 1864.

WHEREAS in and by the seventh Section of an Act made and passed in the twenty-fifth year of the Reign of Her present Majesty, intituled "An Act in amendment and consolidation of the Laws relating to Highways," it is amongst other things enacted, that the expenses of laying out the Road in the said Section mentioned, shall be regulated as provided by the fifteenth Section of the said Act : And whereas it is expedient to amend the said Section, so far as the same relates to such expenses ;—

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

That the expenses of laying out the Road mentioned in the said seventh Section, shall be regulated by the provisions of the thirteenth Section of the said Act, and not by the fifteenth Section of the same, any thing in the said Act contained to the contrary thereof notwithstanding.

AN ACT

Relating to Municipalities.

Section.

1. Power of Council.

Section.

2. Coroners eligible to be elected Councillors.

Passed 8th June, 1865.

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

1. That the Council of any Municipality shall have power to make bye laws regulating the mode, manner and form of

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making out Accounts and claims against the same for any matter or thing upon which said Municipality may be liable to pay any sum of money for any purpose provided for by the Laws relating to Municipalities now or hereafter to be made, or by any Law of this Province, and to declare the time at which the said Accounts shall be filed with the Auditor, and to direct that the said Accounts or claims shall not be received for audit unless such form is complied with.

2. Nothing in any Act of this Province relating to Municipalities shall be construed to prevent Coroners from being elected Councillors.

AN ACT

Relating to certain Parish Officers.

Section.

1. Security, by what Parish Officer to be given.

Section.

2. Bye-Laws by whom made.

Passed 9th July, 1866.

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

1. That in all cases where no provision is already made for security to be given by Parish Officers, every person appointed or hereafter to be appointed to any Parish or County office, wherein he shall be concerned in the collection, receipt or expenditure of any money paid to or received by him by virtue of his office, shall give a bond to the Queen with sufficient security in such an amount and in such a manner as the County Council in incorporated Counties, and the General Sessions in Counties not incorporated may require or direct.

2. The County Council in Incorporated Counties, and the General Sessions in Counties not Incorporated, are hereby empowered to make Bye-Laws to regulate the same.

AN ACT

To provide for the Election of Councillors and the appointment of Parish Officers in the several Municipalities in this Province.

Section.

1. Parish Officers, how appointed proviso.

Section.

2. Acts repealed.

Passed 9th July 1866.

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

1. All Parish Officers of the said Municipalities, or so many as may be deemed necessary for the year ensuing their appointment shall be appointed from time to time by the Council of the said Municipalities, and not otherwise; provided nevertheless, that the Parish Officers who may be in office at the time of the passing of this Act, may continue in the same until others shall be appointed in their stead.

2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

AN ACT

In addition to an Act intituled "An Act to provide for the election of Councillors and the appointment of Parish Officers in the several Municipalities in this Province."

Section.

1. Council neglecting to appoint or confirm Parish Officers, Councillors for Parish may do so.

Section.

2. Councillors to send lists of such appointments to Secretary Treasurer.
3. What Acts repealed.

Passed 7th April, 1870.

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

1. If the respective Councils of the County Municipalities in this Province shall or do at any time neglect to appoint or confirm the appointment of the Parish Officers of their respective Municipalities, or if they neglect to appoint or confirm all the necessary officers required, or in the event of the death or resignation of any such Parish Officer during the term of his office, or in the event of any such office becoming in any other way vacant during the said term, it shall and may be lawful for the Councillors of the Parish where such vacancy may occur, by reason of such neglect, death, resignation or otherwise, at any time out of the Session of Council to make the necessary appointment or appointments.

2. The Councillors so making such appointment shall forthwith send to the Secretary-Treasurer a correct and certified list of the appointment so made, and the same shall be filed by the Secretary-Treasurer.

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AN ACT

To alter and consolidate the Laws relating to Bastardy and the trial of charges of Bastardy.

Section.

1. Acts repealed.
2. On information given, Justice may issue warrant.
3. Person charged, to pay or enter into recognizance.
4. When and with whom information shall be filed.
5. When person accused may be discharged.
6. When cause may be postponed; proviso.
7. When Clerk of the Peace shall file docket of informations.
8. How cause may be tried.
9. When order of affiliation may be made.
10. When order of affiliation shall not be made.
11. When defendant shall enter into recognizance for support, penalty if he fails to do so.
12. When defendant shall be discharged from custody.
13. Payment of \$100 to be a full release.

Section.

14. If defendant prove inability to support, Judge may discharge.
15. When defendant has been committed before trial, when and by whom discharged.
16. Sheriff to obey order of discharge.
17. Recognizance, to whom transmitted; maximum penal sum.
18. Recognizance, how recovered.
19. Upon return of writ, proceedings how taken.
20. Writ, how and by whom executed.
21. Moneys received by Clerk Peace, to whom paid.
22. Judge may make orders for relief.
23. Judge may make rules, &c.; fees.
24. Copy of proceedings certified by Clerk Peace to be evidence.
25. Recognizances heretofore made to be valid.
26. Commissioners of Alms House to be deemed Overseers.
27. When Judge shall not try case. Forms.

Passed 7th April, 1870.

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

1. Chapter 57, of Title viii, of the Revised Statutes, 'Of Bastardy,' and all Acts and parts of Acts relating to Bastardy, except Chapter twenty one of an Act passed in the thirty second year of Her present Majesty's Reign, intituled *An Act to alter and consolidate the Laws relating to Bastardy and the trial of charges of Bastardy in the City and County of St. John*, are hereby repealed.

2. Whenever any single woman shall make information (A) on oath before any Justice of the Peace, that she has been or is likely to be delivered of a bastard child, which will be chargeable to any Parish or City in the County where such information is made, and shall charge any person with being the father of such child, such Justice shall issue his Warrant (B) for the apprehension of the person so charged, and such warrant may be executed and the defendant apprehended by the officer to whom it is directed in any County in the Province

3. Upon such person being brought up, he shall, if he admit the charge, either pay the sum of one hundred dollars to the

Overseers of the Poor for the said Parish or City, (which sum shall be received by them in full discharge of all further claim for the support of such child,) with costs of apprehension, or enter into Recognizance (C) with two sufficient sureties; or if he deny the charge, he shall enter into Recognizance (D), with sufficient sureties, to appear at the next term of the County Court of the County where such information is laid, and abide the order of such Court, and failing to enter into such recognizance he shall be committed to gaol.

4. If the person charged give such recognizance, or be committed, the information and recognizance (if any) shall be forthwith transmitted to the Clerk of the Peace, together with the name and place of residence of the woman making the charge.

5. Should the woman marry or die before being delivered, or miscarry, or prove to have been not pregnant at the time of making the information, or should the child die after order made and complied with, the person charged shall forthwith be discharged by Order (E) of a Justice of the Peace for said County.

6. The woman shall not be required to appear and give evidence until at least one month after her delivery, and further time may be granted, or if there be any other sufficient reason therefor, a continuance of the cause from term to term may be ordered, and the hearing of the charge or judgment thereon postponed, at the discretion of the Court, and in all such cases the defendant's recognizance shall remain in force until the charge is finally disposed of; provided that if the sureties at any Term of the Court shall pray to be released from their obligation, or if the Court for any cause shall deem it expedient, the defendant shall either renew his recognizance or be committed until he do so.

7. At the first day of each Term of the said County Court, the Clerk of the Peace shall file with the Clerk of the said Court, a docket of all informations in his hands for trial thereat; the defendant in each case shall then be called, and on his appearing, the information shall be read over to him, if he deny the charge, a day for hearing the same shall be fixed by the Judge; should he not appear, his recognizance shall be forthwith forfeited; should the woman not appear to give evidence at the time appointed for the trial, she may be brought up by order of the Judge (F)

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8. Upon the day fixed for hearing any charge, or such other day as the Court may on due cause order, the Judge shall hear the evidence and determine the cause with or without the intervention of a Jury, at his discretion, unless a Jury be demanded by the defendant, in which case the cause shall be tried by a Jury, and if tried by a Jury, before the same panel and in the same manner as in civil cases before the Court; the determination of the Judge or Jury shall be final, and in no case shall either party be entitled certiorari.

9. If the defendant shall not deny or traverse the charge, or having done so shall be found guilty, the Court shall forthwith make the order of Affiliation (G), unless the defendant then and there pay into Court the sum of one hundred dollars, with all costs and expenses, to be taxed and allowed by the Judge; if the defendant be acquitted he shall be forthwith discharged by the Judge.

10. No order of affiliation shall be made, unless it be proved that the child has become a charge on the County within which the information hereinbefore named was made, or on some Parish or City thereof, nor for any amount beyond the lying-in expenses of the woman, the costs and expenses of apprehending and convicting the defendant, and a sum not exceeding seventy cents per week for the support of the child from its birth until it attain the age of seven years; the defendant shall be entitled to a copy of the order of affiliation on payment of the usual fees to the Clerk.

11. If the defendant pay into Court the Sums mentioned in said order of affiliation, he shall then enter into Recognizance (H), with sufficient sureties, for the future support of the child; failing so to do, he shall be committed to goal until he comply with the order of the Court or be otherwise discharged; and the Clerk of the Court shall make out and deliver to the Sheriff or his deputy, or in case of the absence of both, to any Constable of the Court, the Commitment (I), which shall charge the Sheriff with the custody of the defendant.

12. If at any time afterwards, being committed to gaol, the defendant shall pay to the Clerk of the Peace the sums directed by said order of affiliation to be paid, and shall enter into the like recognizance required by such order, with proper sureties, before any Justice of the Peace for the said County, or if he shall produce to any such Justice a certificate from the Clerk of the Peace, that he has paid in the whole the full sum of one

hundred dollars, with the costs of apprehension and conviction directed to be paid in and by the said order, such Justice of the Peace shall forthwith order such defendant to be discharged.

13. If any defendant, having entered into recognizance directed by the order of affiliation, either before the Court or a Justice of the Peace, shall pay the Overseers of the Poor chargeable with the support of the child, the full sum of one hundred dollars, such payment shall be a full release in the law of such defendant of and from the order of affiliation and of any recognizance entered into in that case, and the recognizance shall be cancelled.

14. If any defendant being committed shall at any Term of the said County Court, due notice having been first given to the Clerk of the Peace, satisfy the Judge that from poverty, or other good cause, he is wholly unable to comply with such order of affiliation, he may be forthwith discharged.

15. Any person committed on a charge of bastardy for want of sureties, or otherwise, before trial, may on giving the Recognizance (C) or (D), with the proper sureties, or on paying the sum of one hundred dollars, and costs of apprehension and commitment, to the Clerk of the Peace, be discharged by order of any Justice of the Peace for the County.

16. For the purposes of the twelfth and fifteenth Sections of this Act, any such Justice of the Peace may order the person committed to be brought before him, and the Judge of the County Court may order such person to be brought before him when necessary for the purposes of this Act, and the Sheriff shall obey any order so given.

17. Every recognizance taken under this Act shall be transmitted to the Clerk of the Peace, and no such recognizance shall exceed the penal sum of two hundred and fifty dollars.

18. When any bond or recognizance taken under this Act shall become forfeited, and the damages actually due thereon do not exceed twenty dollars, the same may be recovered with costs before any Justice in the same manner as in ordinary cases of debt; when such damages exceed twenty dollars the Clerk of the Peace, at the instance of the said Overseers of the Poor, shall issue a *scire facias* (K) for the recovery of the same, to be returnable at the next Term of the County Court, and served at least fourteen days prior to the return thereof, and the same may be served in any County in the Province.

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19. Upon the return of the *scire facias* it shall be entered with the Clerk of the Court for trial, and the Judge may proceed, whether the defendants appear or not, in a summary manner, to determine the amount (if any) due and payable; judgment against the defendants shall be entered up in the Form (L), and Execution (M) may forthwith issue, which may be directed to any Sheriff, and executed in any County in the Province; judgment once entered shall stand security against the defendants for any further damages (not to exceed two hundred and fifty dollars in all) accruing on the same recognizance, and the Court, on proof of due notice having been given to the defendants, or any two of them, may proceed, unless a trial be demanded by the defendants or any one of them, to assess the amount due on affidavit of the said Overseers, or others, with costs, and order Execution (M) as above authorized.

20. The Sheriff shall execute such *scire facias* or execution according to the exigencies thereof, and be entitled to the same fees as in like cases, including poundage, in case of a levy under execution; and if any of the fees allowed by this Act cannot be recovered from the defendants, they shall be paid by the said Overseers.

21. All moneys received by the Clerk of the Peace under this Act, shall be paid by him to the Overseers of the Poor for the Parish chargeable with the support of the child, first deducting all legal fees and costs, and such fees and costs shall be paid to the several officers entitled thereto.

22. The Judge of the County Court may in his discretion make such orders and give such relief on any such judgment and on such conditions, as he may think proper.

23. The fees allowed under this Act shall be as in Schedule (N), and the Judge may from time to time make such orders and rules for the mode of proceeding, and such alterations in the forms, and allow such amendments, as he may find necessary.

24. A copy of any proceedings under this Act, certified by the Clerk of the Peace or the Clerk of the County Court, as occasion may require, shall be evidence of such proceedings in all Courts.

25. All recognizances heretofore taken for the appearance of any person charged as aforesaid, at any Court of General Sessions of the Peace, shall be and remain valid and in force unless the person or persons so bound thereby shall appear at the time therein mentioned and enter into new recognizance,

which the said Session are hereby authorized to take with satisfactory sureties, to appear at the next Sittings of the County Court, in and for the County, and not depart the same without leave thereof; and all orders, bonds, recognizances, and other acts made, taken or due at any time heretofore by the said Sessions, or any Justice of the Peace, under any of the Laws hereby repealed, shall be valid and in force to all intents and purposes as if this Act had not been passed, and shall and may be put in force, proceeded on and prosecuted by and in the said County Court, as if made, taken or done under and by virtue of this Act.

26. In any Parish or City for or in which an Alms House or Poor House is established, the Commissioners thereof in all respects shall be deemed the Overseers of the Poor for such Parish or City for all the purposes of this Act.

27. Provided nevertheless, that no Judge of any County Court shall have power to try or hear any cause or complaint relating to bastardy which has been heard before him, and in which he acted as a Justice of the Peace before the passing of this Act.

FORMS.

A.—*Information.*

County of _____

to-wit :

The complaint of A. B. of _____ who saith that she is likely to be delivered (or has been delivered) of a bastard child, which will be chargeable to the Parish of _____ in the said County, and that C. D. of _____ is the father of such child.

Taken and sworn to at the Parish _____ A. B.
of, &c. this _____ day of _____ A. D. }
18 _____, before me, _____ G. H., J. P. }

B.—*Warrant.*

To any Constable in the County of _____

A. B. having on oath declared that she is likely to be (or has been) delivered of a bastard child, which will be chargeable to the Parish of _____, and having charged C. D. therewith, I require you to apprehend the said C. D. and bring him forthwith before me, or some other Justice, to be dealt with according to Law.

G. H., J. P.

C.—*Recognizance to indemnify, &c.*

County of _____ to wit:

On the _____ day of _____ A. D. 18____, personally appeared before me the undersigned, C. D. of _____ and _____ and [surcities' names and additions, &c.] and acknowledged themselves to be jointly and severally indebted to the Queen in the sum of two hundred and fifty dollars lawful money* upon condition that if C. D. shall at all times, for the space of seven years from the date here of, indemnify and save from all charges whatever, the Parish of _____ for or on account of the support of a bastard child charged against the said C. D. by A. B., then this recognizance to be void, otherwise in force.

Taken and acknowledged before me,

G. H. J. P.

D.—*Recognizance to appear.*

[Same as C, down to*] upon condition that if the said C. D. shall personally appear at the County Court for the County of _____ on the first day of the next ensuing term thereof, to answer a charge of being the father of a bastard child likely to become chargeable to the Parish of _____, made against him by A. B., and not depart the said Court without leave thereof, then this recognizance to be void, otherwise in force.

Taken and acknowledged before me,

G. H. J. P.

E.—*Order to discharge.*

County of _____ to-wit:

Satisfactory proof having been made to me according to Law that C. D. is no longer liable (to be imprisoned) on the charge of bastardy made against him by A. B., I do hereby order and require that the said C. D. be forthwith discharged from custody (if in gaol)* and all further liabilities under such charge.* —[Omit between * * when recognizance taken.]

Dated, &c.

G. H. J. P.

F.—*Order to bring up mother to testify.*

[L. S.] To any Constable within the County of _____

You are hereby required to bring A. B. of _____, if she can be found, before this Court, on _____ the _____ instant;

at o'clock, to testify in a charge of bastardy made by her
against C. D.

By order of the Court.
E. F. Clerk of the County Court of

G.—*Order of Affiliation.*

County Court,

County of

to-wit:

The Queen at the instance of the Overseers of the Poor for the Parish or City of vs. C. D.	}	In the matter of the charge of bastardy preferred by A. B. against C. D.
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The said C. D. having appeared and denied the charge, and the same having been heard, and the said C. D. found guilty, (or having confessed the charge) it is ordered that he the said C. D. do pay into Court \$ for the lying-in expenses of the said A. B. together with the sum of cents per week from the day of last past, (the day the child was born) up to the date of this order, and \$ the costs of apprehension and conviction, and also enter into recognizance forthwith as required by law, with proper sureties, for the payment of the further sum of cents weekly and every week from this date, until the said child shall attain the full age of seven years, to be paid as aforesaid to the Overseers of the Poor for the Parish of (or to the Commissioners of the Alms House for the Parish of , or County of , as the case may be), or in default of compliance with this order to be committed to gaol there to remain until discharged by due course of law.

Dated this day of , A. D. 18
E. F., Clerk of the County Court of

H.—*Recognizance upon Order of Affiliation.*

On the day of A. D. , personally appeared before the County Court of C. D. of , and [his sureties] and acknowledged themselves jointly and severally indebted to the Queen in the sum of two hundred and fifty dollars lawful money, upon condition that if the said C. D. shall at all times obey and perform the order of the said Court this day made for the support by the said C. D. of a bastard child, while the same is chargeable to any Parish in the said County

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of , of which child the said C. D. has been adjudged the father, then this recognizance to be void, otherwise to be in force.

E. F. Clerk of the County Court of
[The form may be altered to suit the circumstances when taken before a Justice of the Peace.]

I.—Commitment.

County Court of

The Queen, at the instance of the }
Overseers of the Poor for the Parish } day of
or City of } A. D. 18
vs. C. D.

The said C. D. having failed to comply with the order of affiliation this day made against him on a charge of bastardy, and having thereupon been committed until he comply with such order, or be otherwise discharged, the Sheriff of the County of is hereby charged with the custody of the said C. D. accordingly.

E. F., Clerk of the County Court of

K.—Scire Facias.

To the Sheriff of

[L. S.] You are hereby commanded to make known to C. D. &c. [obligors] that they appears before the County Court of on the day of next, (or instant,) to shew cause, if any they have, why execution should not issue against them on account of the failure of the condition of their recognizance to the Queen taken and acknowledged the day of A. D. 18, relating to a charge of bastardy against the said C. D.—Dated, &c.

L. M., Clerk of the Peace.

F.

L.—Minute and Entry of Judgment.

County Court of

The Queen, at the instance of the }
Overseers of the Poor for the Parish } day of
or City of } A. D. 18
vs.
C. D., O. P., and R. S.

The Defendants having been duly served with the *scire facias* in this suit, and it having been made to appear to this Court that the said C. D. hath not performed the condition of the recognizance entered into by him and the other Defendants above named, it is hereby adjudged that the said recognizance is forfeited, and that execution do issue against the said Defendants, or any of them, for the sum of _____, being the debt and costs in this suit.

E. F., *Clerk*.

M.—*Execution.*

To the Sheriff of _____

[L. S.] You are commanded of the goods and chattels of C. D., O. P., and R. S., or any of them, you cause to be made the sum of _____ dollars, being the amount of debt and costs adjudged by the County Court of _____ against the said Defendants on their recognizance forfeited, and have that money at the next term of the said Court on the _____ day of _____ next, to be paid to the Clerk of the Peace of the said County, and disposed of by him according to Law; and for want of goods and chattels whereon to levy, take the bodies of the said C. D., O. P., and R. S., or any of them, and deliver them to the keeper of the goal of the said County of _____, to keep until the said sum of _____ dollars, and Sheriffs' fees, &c., be paid, or they the said C. D., O. P., and R. S., be otherwise discharged by Law, and make return hereof on the day last aforesaid.

Dated this _____ day of _____ A. D.

L. M., *Clerk Peace.*

N.—*FEES.*

For the Clerk.

The same as allowed by thirtieth Victoria, Chapter 10, and for any services required under this Act and not provided for in the Schedule to the former Act, the same or a similar amount as allowed for the Clerk of the Peace under and by virtue of the Revised Statutes, Chapter 163.

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Attending taxation,	..	0	20
Every necessary attendance on the Judge,	..	0	60
On final judgment,	..	1	00
Execution when issued, including Clerk signing,	..	0	50
Every Notice and service,	..	0	30
Every Motion,	..	0	40
For <i>Scire Facias</i> ,	..	1	00
Each copy,	..	0	30
Letter,	..	0	50

And for any service not herein specially provided for, the same or a similar amount as allowed for the Attorney under thirtieth Victoria, Chapter 10, above mentioned, and Acts in amendment thereof.

On the trial of any cause and on any argument before the Court or Judge at Chambers, a Counsel fee not exceeding ten dollars at the discretion of the Judge.

Witnesses' fees, Sheriffs' and Constables' fees, same as in a Supreme Court or Circuit Court.

AN ACT

Further relating to Fences, Trespasses, and Pounds.

Section.

1. When cattle may be impounded.
2. What constitutes trespass.

Section.

3. Part of Chapter 61, Title viii, repealed.

Passed 7th April, 1870.

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

1. From and after the passing of this Act, if any cattle shall break or escape into any close, through or over a lawful fence, it shall and may be lawful for the owner of such close to drive and deliver the said cattle to the Pound keeper of the District where the trespass was committed, and the said pound keeper shall impound the same in the Pound for such District, and shall receive from the owner of such cattle the same amount that he is authorized to receive when cattle going at large are impounded, before the same are delivered from such Pound.

2. If any cattle break or escape into any close, through or over any part of a fence which may be of the height prescribed for lawful fences by any Act now or hereafter in force, such cattle shall be deemed and taken to have broken or escaped into the said close through and over a lawful fence, although other parts of the fence or fences surrounding such close may not be of the height prescribed as aforesaid, or although the said close may not be entirely surrounded by a fence.

3. Any thing contained in Chapter 61, Title viii, of the Revised Statutes, 'Of Fences, Trespasses, and Pounds,' inconsistent with this Act, be and the same is hereby repealed.

BYE-LAW.

A BYE-LAW

Relating to the running at large of Cattle, in the Parish of Prince William.

BE IT ORDAINED, By the County Council of the County of York, that no horse, ox, cow, sheep, or other cattle, swine, or goose, shall be allowed to run or go at large between the first day of May and the first day of October, in each and every year in the Parish of Prince William, and the Road leading from the Main Highway to Pokiok Stream, nor on any of the roads connected therewith on the East side of the said road, in the said Parish of Prince William, and any horse, ox, cow, sheep, or other cattle, swine or goose, found running or going at large on any of the said roads, shall be liable to be impounded in the like manner, and shall be dealt with treated and disposed of according to the provisions of a Bye-Law relating to the running at large of Cattle within the Limits of the Municipality of York, passed on the 17th day of January A. D 1862, the provisions of which are made applicable hereto.

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