

## CAP. XX.

An ACT to continue an Act, passed in the fifty-second year of His Majesty's Reign, entitled, An Act in further addition to the Act, relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-second year of His Majesty's Reign, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, be continued, and the same is hereby continued, for the space of seven years, from the publication hereof, and from thence to the end of the next Session of the General Assembly.

Continued seven years.

## CAP. XXI.

An ACT relating to Trespasses.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, if any person or persons shall be found trespassing in any meadow, orchard, garden or fenced field, under cultivation and improvement, in any Township or place in this Province, with a gun or otherwise, unless by leave of the owner or occupier, he or they, for every such offence, shall forfeit and pay a sum not exceeding ten shillings, nor less than five shillings, with costs; to be recovered on due proof before any Justice of the Peace of the County or District in which such meadow, orchard, garden or fenced field, shall lie; one half for the use of the owner or occupier of the land, and the other half for the Poor of the Township or Place where the trespasses shall be committed.

Trespassing in Meadows, Fields, &c.

II. *And be it further enacted*, That if any person or persons shall cut down or injure any tree or trees growing on the lands of any person or persons within any Township or place in this Province, or carry the same away, without his or their leave, he or they, for every such offence, shall forfeit and pay a sum not exceeding forty shillings, nor less than five shillings, for each and every tree so cut and carried away, with costs; to be recovered on due proof before any Justice of the Peace for the County or District in which such lands shall lie; one half for the use of the owner of the land, and the other half for the Poor of the Township or Place where the trespass shall be committed.

Cutting down or injuring Trees, &c.

III. *And be it further enacted*. That if any person or persons shall cut down or injure any tree or trees planted for ornament, or left growing on the sides of any of the public squares, streets, or public highways in this Province, he or they shall pay for each and every ornamental tree so cut or injured, forty shillings; to be applied by the person or persons having the care or management of such public square, street or highway, in replacing or planting other ornamental trees on the sides thereof, to be recovered in the King's name, by such ways and means as are provided in and by the second section of this Act: *Provided always*, That nothing herein contained shall extend, or be construed, to prevent any Overseer of the highways,

ways under the order and direction of the Court of General Sessions of the Peace, from removing and taking away any tree or trees so planted or left growing for ornament as aforesaid, as may be injurious to the said public squares, highways or streets.

Ornamental  
Trees.

IV. *And be it further enacted*, That if any person or persons shall cut, pull down, damage or injure any railing, stone wall, or fence of any kind, placed on the side or sides of any public square, bridge or causeway, throughout the Province, such person or persons, for each and every offence, shall forfeit and pay a penalty not less than five shillings, nor greater than forty shillings; the same to be recovered as directed in and by the third section of this Act, and shall be expended by the proper officer or officers in repairing the damage and injury so done.

Railing, Stone  
Wall, or other  
Fences.

V. *And be it further enacted*, That in case any such trespasser or trespassers, shall refuse or neglect to pay such fine or fines, it shall and may be lawful to commit him or them to the common Jail of the County or District, where the fine does not exceed ten shillings, for a term not exceeding four days; and where the fine exceeds that sum, for a term not exceeding one day, for every two shillings and six pence, that such fine shall exceed the said sum of ten shillings, or until such fine or fines shall be paid.

Refusal to pay  
Fines.

VI. *And be it further enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to take away from the party or parties, injured by any trespass or trespasses mentioned in this Act, any right of action at law, which he, she or they, are now entitled to have and maintain, for the damage so done, against any person or persons trespassing as aforesaid.

Actions for  
Trespasses.

VII. *And be it further enacted*, That all prosecutions for penalties, under the provisions of this Act, shall be had within six months after the offence committed, and not afterwards.

Prosecution.

## CAP. XXII

An ACT to facilitate the opening and working His Majesty's Coal Mines, with as little injury as possible to the Proprietors of Lands in this Province.

**W**HEREAS in Grants or Patents of Land made in this Province, His Majesty has thought proper to reserve to Himself, His Heirs and Successors, all Coals, and other Mines and Minerals; and His Majesty, in compliance with the wishes of very many of his Subjects, has been pleased to allow, that his Coal Mines in this Province, under certain regulations, may be opened and worked; and as the opening and working Coal Mines will add much to the increasing prosperity of the Country, it is expedient that such rules and regulations may be established, as will secure the Grantees of Land against any unnecessary waste or trespass that may be committed by those who may be authorized by the Crown, under such general reservation, to open and work Mines of Coal:

Preamble.

I. *BE it therefore enacted by the Lieutenant Governor, Council, and Assembly*, That whenever it has been, or may hereafter be, deemed expedient by His Majesty's Government to open and work, or cause to be opened and worked, any Mine or Mines of Coal within any lands of any person or persons, for the purpose of raising and taking away Coal which has been or may be found and discovered within the same, it shall and may be lawful for the Justices in their General or Special Sessions of the Peace for the County or District within which such

Opening of  
Mines.—prepara-  
tory measures  
to be adopted.