

sheep, swine, or goats, with charges of crying the same, within fourteen days after the same shall be impounded, such horses, cattle, sheep, goats, or swine, shall be publicly sold, or so many of them as may be necessary to defray the damages and charges, and the monies arising from such sale after deducting the damages and charges, shall be paid to the owner or owners thereof, and if no person appears, then to the overseers of the poor, for the use of the poor of such town or parish.

Overplus, after deducting charges, &c. paid to owner, if known, if not, to overseers of poor.

Persons rescuing horses, &c. driving to pound, to forfeit 20% over and above damages.

Persons convicted of pound breach or delivering horses, &c. impounded, to forfeit £3.

Towns or parishes to be provided with pounds.

VII. *And be it further enacted*, That if any person or persons shall rescue any horses, cattle, sheep, goats, or swine, from any hogreeve or other person whatsoever, driving such horses, cattle, sheep, goats or swine, to pound, the offender shall forfeit for such rescue twenty shillings, over and above all damages that may be sustained by the trespass, which penalty may be recovered, before any one of his Majesty's justices of the peace, on the oath of one credible witness, and to be levied by warrant of distress, and sale of the offender's goods. And if any person or persons shall make a breach of any pound, or shall by any indirect means deliver any horses, cattle, sheep, goats or swine, so impounded, the person or persons so offending and every of them shall upon conviction before any two justices *quorum unus*, forfeit for every such offence three pounds, which said penalties shall be applied to the use of the poor after deducting damages, charges, and expence of repairing such pound breach.

VIII. *And be it further enacted*, That every town or parish shall be provided with a sufficient pound, or pounds, as shall be thought necessary for such town or parish or place, to be fix'd in the most convenient situation, as the justices in their general sessions shall think fit, and at the expence of the inhabitants of such town or parish, to be assessed and collected, as other town or parish charges are.

CAPXXX.

An ACT to prevent the BURNING WOODS, by carelessly or wantonly FIRING the same.

Preamble.

I. **W**HEREAS the inhabitants of this province have frequently left fires burning which by communicating to the woods have done great damage not only to the proprietors of certain lands but also to the greater damage of the unlocated lands.

Persons convicted of kindling fires in

II. For prevention whereof, *Be it enacted by the Governor, Council and Assembly*, That from and after the publication of this act

act any person or persons who shall be convicted by his or their own confession or by the oath of one or more creditable witnesses or witnesses before any one or more justice or justices of the peace of any county within this province of having kindled any fire in any woods, fields, or other open place, and who shall depart leaving the same burning, and shall not either extinguish the same by water, or otherwise secure it so that it may not communicate to any woods, under-woods or brush whereby damage may ensue either to any private property or to any unlocated lands in this province, shall for every such offence (although no damage ensued) forfeit and pay the sum of three pounds, one half to the use of the informer and the other half to the use of the poor of the town where such offence shall have been committed, as well as be subject to all damages sustained in consequence of such fire, to be recovered by action of debt in any court of this province where the same shall be cognizable, with costs of suit.

woods, &c. and shall not extinguish or secure the same from communicating to other woods, shall forfeit £3, one half to informer the other to poor of the town and shall pay all damages.

C. A. F. XXXI.

An ACT to prevent nuisances by Hedges, Wears, Seines, and other incumbrances obstructing the passage of FISH, in the Rivers, Coves and Creeks of this Province.

I. *Be it enacted by the Governor, Council and Assembly,*

THAT if any person or persons after the publication of this act shall presume to erect or set up any hedge, wear or fish garth, or other incumbrances, or place any seine or seines, across any river, cove or creek in this province, otherwise than is herein after provided, such person or persons shall upon due conviction thereof by the oath of one or more witnesses or witnesses before any two of his Majesty's justices of the peace where such offence shall be committed, forfeit and pay a sum not exceeding ten pounds, one half of which shall be to the informer and the other half for the poor of the town or parish where such offence shall be committed. *Provided always,* That the justices in their general quarter sessions held in each county shall and are hereby empowered and directed to allow such wears to be erected, or floating nets to be used in such manner as they may judge necessary, said liberty or toleration to be granted under such express restrictions as that the wears so allowed to be erected, or floating nets so to be used shall not obstruct, injure, or hurt the natural course of the fish into any river or place where they usually go.

Persons setting up hedges, &c. across rivers or creeks, otherwise than is provided by this act, shall forfeit a sum not exceeding £10.

Courts of sessions may allow wears to be erected or floating nets used under restrictions.