

CAP. XII.

9 and 10 G. 4. An Act to revive an Act, intituled *An Act to prevent Pedlars travelling and selling within this Province without Licence.*
C. 27.

Passed 22d March 1834.

9 and 10 G. 4.
C. 27, revived,
and declared in
Force until
April 1839.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the Ninth and Tenth Year of the Reign of His late Majesty George the Fourth, intituled *An Act to prevent Pedlars travelling and selling within this Province without Licence*, be and the same is hereby revived and declared to be in Force until the First Day of April which will be in the Year One thousand eight hundred and thirty nine.

CAP. XIII.

An Act to provide for the Punishment of Cruelty to Animals.

Passed 22d March 1834.

Preamble.

‘ **WHEREAS** it is expedient to prevent the
‘ cruel and improper Treatment of Horses,
‘ Mares, Geldings, Mules, Asses, Bulls, Cows,
‘ Heifers, Steers, Oxen, Sheep, and other Cat-
‘ tle ;’

Justices may
issue Warrant
or Summons a-
gainst Persons
complained of
for ill treating
any Horse &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any Person or Persons shall wantonly and cruelly beat, abuse, or ill-treat any Horse, Mare, Gelding, Ass, Bull, Cow, Heifer, Steer, Ox, Sheep, or other Cattle, and Complaint thereof on Oath be made to any One of His Majesty’s Justices of the Peace within whose Jurisdiction such Offence shall be committed, it shall and may be lawful for such Justice of the Peace to issue his Summons or Warrant, at his Discretion, to bring the Party or Parties so complained of before him, or any other Justice of the Peace having Jurisdiction
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tion within the County, City or Place where the said Offence shall have been committed, who shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence ; which Oath the said Justice is hereby authorized and required to administer ; and if the said Party or Parties so accused shall be convicted of any such Offence, either by his, her or their own Confession, or upon such Evidence as aforesaid, he, she or they so convicted shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Ten Shillings, at the Discretion of the said Justice, to be paid over to the Overseers of the Poor of the Town or Parish where such Offence shall have been committed, for the Use of the Poor thereof ; and if such Fine, together with the Costs, if ordered, shall not be paid either immediately after Conviction or within such Time as the said Justice shall, at the Time of the said Conviction, appoint, it shall be lawful for the said Justice to commit the said Offender to the Common Gaol of the County wherein such Offence had been committed, or to the next legally established Lock-up-House, there to be kept, without Bail or Mainprize, for a Space of Time not exceeding Twenty Days, unless such Fine and Costs shall be sooner paid ; provided always, that if any Person or Persons brought up before any Justice of the Peace under the Provisions of this Act, shall elect to have the said Complaint tried at the next General Sessions of the Peace, or Court of Oyer and Terminer and General Gaol delivery, to be holden in the County in which such Offence shall have been committed, and shall make his, her or their Desire known to the said Justice of the Peace, and shall at the same Time tender Two good and sufficient Sureties for his, her or their Appearance at the said General Session of the Peace or Court of Oyer and Terminer and General Gaol Delivery, then and

Penalty on Conviction.

Application.

Trial may be had before the General Session or Court of Oyer and Terminer, on the Party entering into Recognizance.

and in such Case the said Justice of the Peace shall receive the Recognizance of such Party or Parties, with his, her or their said Sureties, in such Sum as the said Justice of the Peace in his Discretion shall think proper, not exceeding Twenty Pounds, conditioned for the Appearance of the said Party or Parties at the next General Sessions, or Court of Oyer and Terminer and General Gaol Delivery of the said County, as the Case may be, to answer to the said Complaint, and abide by the Judgment of the Court, in Case the Jury shall convict the said Party or Parties ; and provided also, that if the said Justice of the Peace, on examining into the said Complaint, when the Party or Parties accused shall be brought before him, shall be of Opinion that the Offence so complained of is of an aggravated Nature and requires to be publicly exposed as an Example to all others in like Manner offending, it shall and may be lawful for such Justice of the Peace to bind the Party or Parties so accused, with a Surety or Sureties, if he shall think them necessary, in such Sum, not exceeding Forty Pounds, as he shall think fit, to appear at the next Court of General Sessions of the Peace, or Court of Oyer and Terminer, to be holden in the County in which the said Offence shall have been committed, then and there to be dealt with according to Law.

In aggravated Cases the Justice may bind the Party to appear at the next General Sessions or Court of Oyer and Terminer.

Offence when brought before the General Sessions to be deemed a Misdemeanor.

II. And be it enacted, That the said Offence when brought before any of the Courts of General Sessions of the Peace in this Province, or the Courts of Oyer and Terminer and General Gaol Delivery respectively, shall be deemed and taken to be a Misdemeanor, and punishable as such by Fine or Imprisonment.

Prosecution to be commenced within Ten Days.

III. And be it enacted, That no Person shall suffer any Punishment, or pay any Fine for any Offence committed against the Provisions of this Act, unless the Prosecution for the same be commenced within Ten Days after the Offence shall have been committed.

IV.

IV. And be it enacted, That no Order or Conviction, or other Proceedings to be made or had by or before any Justice of the Peace, by virtue of this Act, shall be quashed, or vacated, for Want of Form ; and that the Order of such Justice shall be final ; and that no Proceedings of any such Justice, in pursuance of this Act, shall be removable into the Supreme Court by Certiorari or otherwise.

No Proceedings before a Justice to be quashed for Want of Form, or removable into the Supreme Court.

V. And be it enacted, That if any Action or Suit shall be brought against any Person or Persons for malicious Proceedings under or by Colour of this Act, the same shall be a special Action on the Case, and shall be commenced within Six Calendar Months next after every such Cause of Action shall have accrued, and not afterwards, and the Venue shall be laid in the County, City or Place in which the said Offence had been committed, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the general Issue, and give this Act and the special Matter in Evidence at any Trial or Trials to be had thereon, and that the same was done in Pursuance and by the Authority of this Act ; and if the same shall appear to have been so done, or if the said Action or Suit shall not be commenced within the Time before limited, or shall be laid in any Place other than where the said Offence had been committed, then and in such Case the Jury or Juries shall find for the Defendant or Defendants ; or if the Plaintiff or Plaintiffs shall become nonsuit or shall discontinue his or their Action or Actions, or if Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid, such Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his, her or their Costs in any other Cases by Law.

Actions for malicious Proceedings under this Act to be special.

Venue.

General Issue.

Double Costs.

Limitation.

VI. And be it enacted, That this Act shall continue and be in Force until the First Day of May which will be in the Year of our Lord One thousand eight hundred and thirty six and no longer.

CAP. XIV.

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

Passed 22d March 1834.

Preamble.

‘**WHEREAS** it is considered expedient to take an Account of the total Number of Persons within this Province;’

Justices to appoint fit Persons in each Parish, to take an Account of the Population.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace in the several Counties in this Province, shall and may and they are hereby required, at their First General Sessions to be holden after the Receipt of this Act by the Clerk of the Peace for the County as hereinafter provided, or at any Special Session to be for that Purpose expressly convened, to appoint such and so many fit Person or Persons within each Town or Parish within their respective Counties, as they shall think expedient, to take an Account of the Population thereof in Manner hereinafter directed; and if more than One Person shall be so appointed for any Town or Parish, then to divide such Town or Parish into convenient Districts, assigning to each Person so appointed to take such Account his particular District; which Persons so appointed to take such Account, shall be liable in all Respects to the same Rules and Regulation, Penalties and Forfeitures, as Town or Parish Officers are subject and liable to by virtue of any Law in Force for the Appointment and Regulation of Town or Parish Officers: Provided that the Mayor, Aldermen and Commonalty of the

Persons appointed to be subject to the same Regulations and Penalties as other Parish Officers.

Mayor, Aldermen, &c. in Saint John, to