

344
 1865 by 6 mi. c. 6
 1868 by 7 mi. c. 30
 1892

Limitation. VI. And be it further enacted, That this Act shall continue and be in force until the first day of June which will be in the year of our Lord one thousand eight hundred and forty one.

CAP. XLV.

7 W. 4, c. 11 An Act to repeal An Act, intituled "An Act for the more effectual prevention of Fires, within the City of Saint John." Passed 23d March 1839.

7 W. 4, c. 11, repealed. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled "An Act for the more effectual prevention of Fires within the City of Saint John," be and the same is hereby repealed:

Court may proceed to conviction of persons indicted under the repealed Act. II. Provided always, and be it enacted, That when any person before the passing of this Act shall have been indicted or convicted for any offence deemed a common nuisance, under the provisions of the said recited Act, the Court in which such offence may be prosecuted, may still proceed to the conviction and punishment of such offender in like manner as if the said recited Act had not been hereby repealed: Provided always, That no judgment shall be given to abate any such nuisance, and that in no case shall a greater fine be imposed than fifty pounds and the costs of prosecution.

Proviso.

CAP. XLVI.

5 W. 4, c. 31. An Act to revive and continue "An Act to regulate the driving of Timber and Saw Logs down the River Magaguadavic and its branches." Passed 23d March 1839.

5 W. 4, c. 31, revived and continued. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate the driving of Timber and Saw Logs down the River Magaguadavic and its branches," is hereby revived and continued in full force until the first day of April in the year of our Lord one thousand eight hundred and forty five.

CAP. XLVII.

An Act relating to Circuit Courts in the Counties of Gloucester, Restigouche and King's. Passed 23d March 1839.

Provisions of 8 W. 4, c. 4. extended to the County of Restigouche.

WHEREAS it is expedient that a Circuit Court be established in the County of Restigouche, and that certain alterations should be made in the time of holding the Courts in the County of Gloucester and King's County; I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several provisions of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts," be and the same is hereby extended to the County of Restigouche in as full and ample manner, as if the several Sections of the said Act were respectively set forth in this Act. II.

345

II. And be it enacted, That the period of commencement and holding the Circuit Court in the said County of Restigouche, shall be on the last Tuesday in August in each and every year.

Circuit Court for Restigouche to commence on last Tuesday in August.

III. And be it enacted, That an Act made and passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled, "An Act to alter the times for holding the Circuit Courts in the Counties of Gloucester and Queen's," so far as the same relates to the County of Gloucester be and the same is hereby repealed.

1 Vict. c. 14, so far as relates to Gloucester repealed.

IV. And be it enacted, That from and after the passing of this Act, the time for commencing and holding the Circuit Court in the County of Gloucester shall be on the first Tuesday in September in each and every year, instead of the time heretofore established.

Circuit Court for Gloucester to commence on the first Tuesday in September.

V. And be it enacted, That in the year one thousand eight hundred and forty, and each and every year afterwards, the time for commencing and holding the Circuit Court in King's County shall be on the second Tuesday in July, instead of the time now by law established.

Circuit Court for King's County to commence on last Tuesday in July.

VI. And be it enacted, That this Act shall continue and be in force during the continuance of the said recited Act, passed in the eighth year of the Reign of His late Majesty King William the Fourth, and no longer.

Limitation.

*Amended by 13th title
Cap 35*

CAP. XLVIII.

*Contd to May 1st 1850 by
8 vic. c. 46*

An Act to provide for the summary punishment of persons committing trespasses upon square Timber and other Lumber.

Passed 23d March 1839.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, if any person or persons, shall possess himself or themselves of any squared timber, logs or sawed lumber that may be found adrift, or in any other situation, or shall injure, cut up or destroy any such timber, logs or lumber, or shall cut away or cast adrift any boom for preserving the same, or any raft of timber, logs or lumber as aforesaid, or shall hew out the mark or marks of the owner or owners thereof, or otherwise deface or obliterate the same, with intent and design to defraud the owner or owners thereof, he or they shall, for each and every offence, forfeit and pay a sum not exceeding ten pounds, to be recovered before any two of Her Majesty's Justices of the Peace in and for the County where such offence shall be committed, with costs of prosecution, upon the oath or oaths of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods and chattels, one half of the said fine to be paid to the Overseers of the Poor of the Town or Parish where the said offence shall have been committed, for the use of the Poor of the said Town or Parish, and the other half to the person who shall sue for the same, and in case the said offender or offenders so tried and convicted as aforesaid shall not have any goods or chattels whereon to levy the said fine, then it shall and may be lawful for the said Justices, under their hands and seals, to commit the said offender or offenders to the common gaol of the County where the said offence shall have been committed, there to remain without bail or mainprize for a space not exceeding twenty days, as the said Justices shall in their discretion think fit.

Persons guilty of certain offences with respect to Timber, Logs, Lumber or Booms to forfeit £10.

Recovery.

[Application.]

II. And be it enacted, That whenever complaint shall be made on oath before such Justices or either of them, by any person claiming to be owner of

On complaint that any person hath possessed himself