

Tax to be collected on and after 1st June, and on default to be sued for.

IV. And be it enacted, That the said Collectors of the said Dog Tax, shall and they are hereby required, on the first day of June in each and every year, and as often thereafter as may be necessary, to proceed to the collection of the tax imposed by this Act; and in case the said tax be not paid to each or either of the said Collectors within six days after the same shall have been demanded, that then the said Collectors shall, and they are hereby required, in their own name to sue for and recover the same with costs, by action of debt, before any one of Her Majesty's Justices of the Peace of the County of Restigouche; and the said tax when collected, shall be paid into the hands of the Overseers of the Poor of the respective Parishes, where the same may be collected, and to be applied by them toward the support of the Poor of the said Parishes, respectively, where the same may have been collected; such Collectors retaining for their trouble at and after the rate of ten per centum on all sums actually paid in by them respectively.

Application of Tax.

Compensation to Collectors.

Collectors to account to Session

V. And be it enacted, That the said Collectors of the said tax shall render Accounts to the Justices at every General Sessions of the Peace to be holden in and for the said County, of their collections under and by virtue of this Act, which Accounts shall be audited by the said Justices; and the said Collectors shall be liable to all the pains and penalties for neglect and refusal to account for or pay over the monies so to be collected by them, as any Collector of Rates are made liable to by the Laws now in force.

Limitation.

VI. And be it 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 seven.

Provisions extended to Adair County 4 re. c. 23
CAP. XI.

5 W. 4, c. 21.

An Act to amend an Act, intituled *An Act to regulate the fencing, occupation and grazing of the several Marshes, Low Lands and Meadows in the County Westmorland.*

Passed 25th March 1844.

Preamble.
5 W. 4, c. 21.

WHEREAS certain provisions of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the fencing, occupation and grazing of the several Marshes, Low Lands and Meadows in the County Westmorland*, have been found to operate to the inconvenience and adversely to the interests of the proprietors of the said Marshes, Low Lands and Meadows;

5 W. 4, c. 21, s. 2 & 3, repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the second and third sections of the above recited Act be and the same are hereby repealed.

Justices to regulate the occupation and grazing.

II. And be it enacted, That Her Majesty's Justices of the Peace in and for the said County of Westmorland, at their General Sessions, on application made in the manner and form directed in and by the first section of the said recited Act, shall be and they are hereby authorized and empowered to make such rules and regulations for the occupation and grazing of such Marshes, Low Lands and Meadows within the said County, as to them in their discretion may appear most expedient and necessary, and agreeable to the nature and circumstances of the case; and if any Neat Cattle, Horses, Sheep or Hogs shall be found going at large, or grazing upon any of the said tracts of Marshes, Low Lands and Meadows, contrary to any such regulations so made, it shall and may be lawful for any Field driver or Field drivers to be appointed by the said Justices at any General Sessions for the special purpose, and who alone shall exercise the power and authority of Field driving on the said tracts of Marshes, Low Lands and Meadows, to drive the

Cattle at large contrary to regulations, to be impounded by a Field Driver.

the same to any Pound in the Parish where such offence shall be committed; and it shall be the duty of the Keeper of the said Pound to receive and detain such Neat Cattle, Horses, Hogs or Sheep, until the owner or owners thereof shall pay for the use of the Field driver or Field drivers so impounding such Cattle, Horses, Hogs or Sheep, the sum of five shillings for each head of Neat Cattle, Horse or Hog, and the sum of one shilling for each Sheep; also one shilling per diem for feeding each head of Neat Cattle, Horse or Hog, and three pence per diem for feeding each Sheep, together with the usual charges for impounding the same.

Pound Keeper to retain cattle till after payment.

III. Provided always, and be it enacted, That whenever any owner, proprietor or person occupying any part of the said tracts of Marshes, Low Lands or Meadows, shall find any Neat Cattle, Horses, Sheep or Hogs going at large, or grazing on such part or parts of the said tracts of Marshes, Low Lands or Meadows as may be in his or their possession, contrary to the rules and regulations aforesaid, they, the said owner, proprietor or person occupying the same, shall be and they are hereby authorized and empowered to drive the said Neat Cattle, Horses, Sheep or Hogs so trespassing, to any Pound in the Parish where such offence shall be committed, but shall not be entitled to recover any fine from the owner or owners thereof, any thing in this Act contained to the contrary thereof notwithstanding.

Cattle may be impounded by proprietors or occupants of Marshes, but no fines to be recovered.

IV. And be it enacted, That in all cases where Neat Cattle, Horses, Sheep or Hogs shall be found trespassing, and are impounded under and according to any of the provisions of this Act, the owner or owners of any such Neat Cattle, Horses, Sheep or Hogs so trespassing, shall pay to the party injured the amount of any damages sustained by such trespasses, to be ascertained by three credible and disinterested Freeholders, where such lands lie, to be approved by and sworn before any Justice of the Peace of the said County, truly and impartially to value the same, together with all costs attendant upon such valuation so made.

Damages for trespasses to be ascertained by three Freeholders, and paid to party injured.

V. And be it enacted, That in case the owner or owners of such Neat Cattle, Horses, Sheep or Hogs so impounded as aforesaid, shall neglect or refuse to pay the aforesaid penalties, charges and damages accruing under any of the provisions of this Act or the Act to which this Act is an amendment, then the said Pound Keeper, having first given ten days previous notice of the sale, is hereby authorized and required to sell publicly the said Neat Cattle, Horses, Sheep or Hogs, or so many of them as may be necessary for that purpose, and the overplus money arising from such sale, shall be paid by the said Pound Keeper to the owner or owners thereof, whenever he or they shall appear to claim the same.

Recovery of penalties.

VI. And be it enacted, That this Act shall be and continue in force for and during the continuance of the Act to which this is an amendment.

Limitation.

1850

CAP. XII.

An Act to authorize the Justices of the Peace in the County of Carleton to levy an assessment to pay off the County Debts.

Passed 25th March 1844.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Justices of the Peace for the said County of Carleton, at any General Sessions of the Peace to be hereafter holden, or any Special Sessions to be for that purpose convened, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding two hundred pounds, as they in their discretion may think necessary, for the paying off the Debts due from the said County; the same to be assessed, levied, collected and paid, agreeably to, and under and by virtue of any Act or Acts which are now or hereafter may be in force in this Province, for assessing, levying and collecting of rates for public charges.

Justices may assess the County, not exceeding £200. to pay off the County Debts.

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