

Title xxxvii, of the Revised Statutes, 'Of Summary Convictions,' and to be appropriated one half thereof to the prosecutor, and the other half to the Overseers of the Poor of the Parish of Grand Manan, for the use of the Poor of the said Parish; and if such penalty and costs shall not be paid immediately on conviction, the Justice may commit the defendant to the common gaol of the said County, there to remain with or without hard labour for a period not to exceed three months, unless such penalty and costs shall be sooner paid.

CAP. XXI.

An Act for the protection of Moose.

Section.

1. Time during which Moose shall not be killed; penalty.
2. Penalty for killing more than two or leaving carcass to decay.
3. Persons having carcass or hides of any Moose within the time prohibited, to be liable; proviso.
4. Wardens and Deputies, how appointed; their duties.
5. Powers of General Sessions or Municipalities.

Section.

6. Penalties, how recovered.
7. Indians, when exempt from penalties.
8. Exportation of hides prohibited; hides when liable to seizure.
9. Wardens authorized to seize hides.
10. If owner of hides seized be not known, hides to be advertised, and if not claimed to be forfeited.
11. Provincial Secretary to lay returns of Wardens before Legislature yearly.

Passed 8th June, 1865.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. No person shall hunt, take, kill, wound, or destroy any Moose from the first day of February to the first day of May, in any year, under a penalty of a sum not exceeding forty dollars for each and every offence; and any person may lawfully shoot or otherwise kill any dog found hunting Moose within the time or with the person herein prohibited.

2. No person shall kill more than two Moose during a period of twelve months, under a penalty of twelve dollars for each and every offence; and no person shall kill any Moose except for the purpose of using the flesh for food, or shall leave or abandon to decay the carcass of any Moose killed, under the penalty of twenty dollars for each and every offence.

3. If any person or persons shall have in his or their possession the carcass of a Moose, or any part thereof, or the hide thereof, and killed within the time specified in the first Section, such person or persons shall be deemed to have

hunted and killed the same contrary to this Act, and be liable to the penalties provided by the first Section of this Act; provided that any person or persons having in his or their possession more than two hides at any one time, shall be *prima facie* evidence of his having acquired the same contrary to this Act, and be liable to the penalties imposed in the second Section of this Act, but in either case such person so charged shall be admitted as a witness or witnesses to rebut such presumption.

4. The Governor in Council shall, for the purposes of this Act, appoint a Warden for each County in this Province, each of whom may appoint, in writing, one or more Deputies under him, and require of them suitable bonds for the faithful performance of their duties; and said Wardens and their Deputies in the several Counties shall faithfully enforce the provisions of this Act; each of the Deputies shall annually, on or before the first day of October in each year, render to his principal an account under oath of all penalties by him enforced for the preceding year, and shall pay to him one-tenth of the net proceeds thereof; each County Warden shall annually on the thirty first day of October in each year, render to the Provincial Secretary an account on oath of all the penalties enforced by himself, or returned to him by his Deputies, for the year ending on the first day of October; the penalty in neglecting so to do for a Warden shall be forty dollars, and for a Deputy twenty dollars, and the Warden shall immediately give notice to the Clerk of the Peace of the County for which such Warden was appointed, of every such neglect of his duty, and the Provincial Secretary shall give such Clerk of the Peace notice of any such neglect of the Warden; and the Clerk of the Peace shall proceed for every such neglect of which he has notice; in such prosecution the certificate of the Provincial Secretary shall be *prima facie* evidence of the fact of such neglect to make a return to him.

5. The General Sessions of the Peace of each County or Municipality in incorporated Counties, shall have power to appoint a Moose Warden for each Parish in the said respective Counties, who shall have concurrent jurisdiction with and the same powers and rights as the County Moose Wardens and his Deputies, and who shall make a like return to

the Provincial Secretary under a penalty of twenty dollars, to be proved and recovered in like manner; each of the said officers shall have the same authority to require aid in the execution of his office as Sheriffs and their Deputies have.

6. All penalties under this Act shall be sued for and recovered in the name of the County Warden, or their Deputies, or Parish Warden, agreeably to the provisions of Chapter 138, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions;' and such officers may be competent witnesses on all such prosecutions; and the same, when recovered, shall be paid, three-fourths to the County Warden, or Deputy Warden, or Parish Warden, and the remainder to the County Treasurer of the County where the penalty was enforced; any person may prosecute for any of the acts herein forbidden, provided no such Warden or Deputy, within ten days after the offence is committed, prosecute therefor.

7. No Indian of the Miemac or Milicete Tribe shall be liable to the penalties hereof, while hunting Moose on his own account, and for his own use and sustenance, unaccompanied by any person herein forbidden, during the time prohibited in the first Section of this Act; provided that any such Indian shall not kill more than two Moose within the period named in the first Section of this Act.

8. The exportation or taking out of this Province of any Moose hides is hereby prohibited, and all Moose hides found in the possession of any person or persons shall be liable to be seized and forfeited as hereinafter mentioned, unless the party or parties claiming such hides shall produce a Certificate (A) of some one of Her Majesty's Justices of the Peace of the County, founded on the testimony and examination an oath of the party claiming the same, that the said Moose hides were not intended for exportation, or to be taken out of the Province, and that such party or parties had not killed the Moose from which the said hides were taken, contrary to the provisions of this Act, within the twelve months next preceding the date of such Certificate.

9. The County Warden, his Deputies, or Parish Warden, all Officers of the Revenue, Justices and Constables, and they and each of them are hereby authorized and empowered to seize all Moose hides found in the possession of any person contrary to the provisions of this Act, and shall forth-

with proceed before a Justice of the Peace residing near the place of seizure, for the forfeiture and condemnation of the same; such Justice is required to hear the parties, after giving the party from whom the said hides were taken six days notice of such hearing, in a summary way, and if satisfied that the Moose was killed contrary to the provisions of this Act, shall condemn the said hides, and order them to be sold, and the proceeds, after deducting the expenses of condemnation, shall be paid in the manner set forth in the sixth Section of this Act.

10. If the owner of any Moose hides seized be not known, then and in such case the Justice, on the application of the County Warden, his Deputies, or Parish Warden, shall cause the hides so seized to be advertised in two public places in his Parish for the space at least of ten days, and if no claim of ownership is made within the time named, the said Justice shall condemn and forfeit the said hides, and order a sale of the same, and the proceeds shall be appropriated, after deducting the expense of such condemnation and sale, in the manner aforesaid, and keep a record of such condemnation in a book to be kept for that purpose.

11. The Provincial Secretary shall in each year lay before the Legislature the returns made by the Wardens under the provisions of this Act.

12. That sub-Section seven, of Chapter 62, Title viii, of the Revised Statutes, 'Of the protection of Sheep and Moose,' and an Act made and passed in the twenty second year of the Reign of Queen Victoria, intituled *An Act to alter and amend Chapter 62, Title viii, of the Revised Statutes, 'Of the protection of Sheep and Moose,'* be and the same are hereby repealed.

SCHEDULE A.

I hereby certify, that A. B. of the Parish of _____, in the County of _____ and Province of New Brunswick, has produced to me one (or two, as the case may be,) Moose hides, and produced testimony to my satisfaction that such hides were not intended for exportation, and that said Moose was (or were) killed by him, and that he has not killed the Moose from which the hides were taken contrary to the provisions of the Act intituled *An Act for the protection of Moose.*—
Dated the _____ day of _____ A. D. 186 _____.

C. D. Justice of the Peace.