

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1836. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 21

An Act to regulate the fencing, occupation and grazing of the several marshes, lowlands and meadows in County of Westmorland. Passed 8th March 1836.

'Whereas there are within the County of Westmorland several large tracts of marsh, lowland or meadows which are held in severalty not subdivided with fences, but are occupied in common: And whereas many inconveniences have arisen for the want of some general regulations for the inclosing, occupation and grazing of the same; for remedy whereof,'

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace in and for the said County at their General Sessions, be and they are hereby authorised and empowered, upon the application or by consent and concurrence of the proprietors of at least one half the quantity of any of the several tracts of marsh, lowlands or meadows within the said County, to regulate the manner in which the said tracts of marsh, lowlands or meadows shall be fenced and inclosed, and also to determine what lakes, swamps, creeks or rivers shall be considered and deemed lawful fences or inclosures of the same; and the said Justices shall have power and authority to fix and determine the number of gates which may be necessary to secure the said marshes, lowlands or meadows, whether the same lie on the public or private roads leading to, from or through said marshes, lowlands or meadows; and the commissioners of sewers under whose care any of the said marshes, lowlands or meadows may be for the time being, are hereby authorised and required to cause to be carried into effect and operation the order of the said Justices relative to the said tracts of marsh, lowlands or meadows; and the said commissioners are hereby authorised to assess the proprietors of the said marshes, lowlands or meadows the expense attending the same, to be assessed, levied and collected in the manner as described by an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled *An Act to repeal certain Acts relating to Commissioners of Sewers and to make more effectual provisions in lieu thereof*; and in case any person or persons shall break down, injure or leave open any of the said gates or fences inclosing said marshes, lowlands or meadows, the said commissioners of sewers are hereby authorised and required to sue the person or persons so offending before any Court of competent jurisdiction to try the same, and recover from the said offending person or persons over and above the actual damage done to said gates or fences, that is to say, for each and every offence the sum of ten shillings, and the monies arising therefrom shall be by the said commissioners applied towards defraying the expense attending the maintaining the gates and fences inclosing said marshes, lowlands or meadows; Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the erection of any gate or gates in, upon or over any great road of communication within the said County of Westmorland, excepting on that part of the great road which crosses the Sackville great marsh in the said County.

II. And be it enacted, That the said Justices on application as aforesaid, shall be authorised and empowered to make such regulations for the occupation or grazing of such marshes, lowlands or meadows as shall be most expedient 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, lowlands or meadow's, contrary to any such regulations so made, the owner or owners thereof shall forfeit and pay to the informer for each and every head of neat cattle, horse or hog, the sum of five shillings, and for every sheep, the sum of one shilling; the same to be recovered before any one of His Majesty's Justices of the Peace for the said County, to be levied with the costs of prosecution upon the goods and chattels of the owner or owners of such neat cattle, horses, hogs or sheep; and it shall and may be lawful for any person or persons whomsoever, when finding any such cattle, horses, hogs or sheep going at large or grazing contrary to such regulations, to drive the same to any pound in the Parish where such offence shall be committed, and it shall be the duty of the keeper of said pound to receive and detain such neat cattle, horses, hog or sheep, until the owner or owners shall pay for the use of the person so impounding said 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 day to the pound keeper for feeding each head of neat cattle, horse or hog, and three pence per day for feeding each sheep, together with the usual charges for impounding the same.

III. And be it enacted, That in case the owner or owners of such neat cattle, horses, or sheep, or hogs so impounded, shall neglect or refuse to pay the aforesaid penalties and charges, then (he said pound keeper having first given ten days previous notice of the sale, is hereby authorised 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 pound keeper to the owner or owners thereof whenever he or they shall appear to claim the same.

IV. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty.