

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1844.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1844.

7 Victoria – Chapter 11

**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.**

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;

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Council and Assembly, That the second and third sections of the above recited Act be and the same are hereby repealed.

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 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.

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.

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.

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.

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.