

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1862.*

25 Victoria – Chapter 4

**An Act to amend the Laws now in force for the more speedy abatement of Nuisances, and to make further provision for the prevention of the same, in the Towns of Saint John's, Harbor Grace, Carbonear, and other Places. (Passed 27th March, 1862.)**

Whereas it is expedient to amend the Laws now in force for the more speedy abatement of Nuisances, and to make further provision for the prevention of the same, in the Towns of Saint John's, Harbor Grace, Carbonear, and other Places:

Be it therefore enacted, by the Governor, Legislative Council and Assembly, in Session convened:

I. That so much of the Fourth Section of an Act passed in the Twenty-third Year of the Reign of Her present Majesty, entitled "An Act for the Prevention of Nuisances in the Towns of Saint John's, Harbor Grace, Carbonear and Brigus," as provides for the Sale of Swine found wandering or straying in or about any Streets, Squares, Lanes and Passages, in any of the said Towns, be and the same is hereby repealed; and further, that the Seventh Section of an Act passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, entitled "An Act to make further provision for the Prevention of Nuisances," be and the game is hereby repealed.

II. That if any Swine shall be found wandering or straying in or about any Streets, Squares, Lanes and Passages, in any of the said Towns, it shall be lawful for any Person whatever to impound such Swine in the nearest common Pound; and the Owner thereof, for every such Swine so found wandering or straying as aforesaid, shall forfeit a Sum not exceeding Five Shillings, together with the reasonable charges of impounding and keeping such Swine; and such Swine shall be detained until the said Penalty and Charges shall be paid; and if the same be not paid within Two Days after such Swine shall be impounded, it shall be lawful for any Stipendiary Justice of the Peace resident in the said Towns to declare such Swine forfeited.

III. Any Person who shall be found at any Season of the Year, in any Town or Settlement in this Colony, dressed as a Mummer, masked or otherwise disguised, shall be deemed to be guilty of a Public Nuisance, and may be arrested by any Peace Officer, with or without a Warrant, and taken before any Justice of the Peace in the District or Place where such Person may be found, and, on conviction, in a summary manner, before such Justice, may be committed to Gaol for a period not exceeding Seven Days, unless he shall pay a Fine not exceeding Twenty Shillings.

IV. Any Person who shall cast or throw, or order to be cast or thrown into any of the Public Coves in any of the said Towns, any Dirt, Dung, Rubbish, dead or dying Cattle, or any putrid or offensive Matter, shall for the First Offence forfeit and pay a Sum not exceeding Twenty Shillings and not less than Five Shillings; and for a Second Offence forfeit and pay a Sum not exceeding Forty Shillings and not less than Ten Shillings; and for a Third or subsequent Offence shall forfeit and pay a Sum not exceeding Five Pounds and not less than Twenty Shillings.

V. Any Person who shall place or deposit on any Side-walks in any of the said Towns, except in transit, any Boxes, Barrels, Packages, or any other matter or thing, so as to obstruct the free passage on the said Side-walks, shall forfeit and pay for the First Offence a Sum not exceeding Twenty Shillings and not less than Five Shillings; and for the Second Offence shall forfeit and pay a Sum not exceeding Forty Shillings and not less than Ten Shillings, and for a Third or subsequent Offence shall forfeit and pay a Sum not exceeding Five Pounds and not less than Twenty Shillings.

VI. That if any Person shall cruelly beat, ill-treat, over-drive, overload, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over driven, over-laden, abused or tortured, any Animal, every such Offender shall, for every such Offence, forfeit and pay a Penalty not exceeding Five Pounds.

VII. That should any question arise as to the sufficiency of the Fence required by the Fifth Section of the said Act, passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty, entitled "An Act to make further Provision for the Prevention of Nuisances," the order of a Stipendiary Magistrate thereon shall be final and binding on the Owner or Occupier of the Lands to be protected and enclosed by such Fence.

VIII. The Penalties and Forfeitures imposed by this Act shall be recovered in a summary way, by order and adjudication of any one Stipendiary Justice of the Peace resident in the Town in which the offence shall be committed, under the provisions and by virtue of the Sixth Section of an Act passed in the Twenty-third Year of the Reign of Her present Majesty, entitled "An Act for the Prevention of Nuisances in the Towns of Saint John's, Harbor Grace, Carbonear and Brigus."