

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 28th of May 1765 in the Fifth Year of His Majesty's Reign.*

5 George III – Chapter 1

**An Act for the Choice of Town Officers and Regulating Townships.**

Whereas the method of nominating the respective town officers herein after mentioned by the grand jurors for the several counties, as directed by the laws of this province, is found inconvenient.

Be it enacted, by the Governor, council, and assembly, that the grand juries for the several counties in this province, at the court of general sessions of the peace for each county respectively next ensuing the publication of this act, and hereafter annually at the first sessions of the said court, shall nominate out of every township in the said county, ten fit persons, out of whom the said court shall appoint five to be surveyors of lines and bounds of each respective townships, who be hereby impowered to survey, examine, and ascertain the lines and bounds of their said respective townships, agreeable to the several grants thereof; and who shall also be overseers of the poor of said township, and at the same time the said grand jury shall in like manner nominate two persons, one of whom the court shall appoint to be town clerk of the said town, who shall be sworn truly to enter, and record all such matters and things, as shall relate to the said township, and shall appertain to his office; and shall also nominate four or more constables, of whom the court shall appoint two or more as they shall see convenient to be constables in the said township; and also shall nominate four surveyors of highways, of whom the said court shall appoint two to be surveyors of highways in the said township; and shall also nominate four fence viewers of whom the said court shall appoint two to be fence viewers in the said township, and shall also nominate two clerks of the market of whom the said court shall appoint one to be clerk of the market in said township; and shall also nominate four pound-keepers of whom the said court shall appoint a sufficient number in their discretion to be pound keepers in the said township; and shall also nominate four or more cullers and surveyors of fish of whom the said court shall appoint a sufficient number in their discretion to be cullers and surveyors of fish in the said township; and shall also nominate four surveyors of lumber and cord wood, of whom the said court shall appoint two to be surveyors of lumber and cord wood in the said township; and shall also nominate two sealers of leather, of whom the said court shall appoint one to be sealer of leather in the said township; and shall also nominate four gaugers of casks, of whom the said court shall appoint two to be gaugers of casks in the said township; and shall also nominate four hogreaves, of whom the said court shall appoint two to be hogreaves in the said township; who shall respectively be sworn to the faithful discharge of their duty in manner as is already prescribed, by the laws of this province, and shall in every respect conform to the said laws, and upon their, or any of their refusal to accept, or being guilty of any neglect, or misbehaviour in the execution of the duty of their respective offices, they shall forfeit and pay for the use of the poor of the said township, the sum of forty shillings for every such refusal, neglect or misbehaviour, to be recover'd upon proof of such refusal,

neglect or misbehaviour by the oath of one credible witness before any two of his Majesty's justices of the peace, for the county, wherein such township lies, to be levied by warrant of distress, and sale of the offender's goods and chattles, any law, usage, or custom to the contrary notwithstanding, and if any person so nominated and chosen, shall leave the province, change the town of his residence, or happen to die within the period, for which he was nominated and appointed to serve in any of the said offices in such case, any two of his Majesty's justices of the peace for the county, shall and may nominate and appoint a fit person or persons, to serve in such vacant office, until another shall be nominated by the grand jury, and appointed by the said court of general sessions, at their meeting next ensuing such vacancy.

Provided always, that nothing in this act contained shall extend, or be construed to extend to restrain any privileges, that may hereafter be granted by any charter of incorporation to any town or towns within this province.

And for the better regulating the several townships in this province.

Be it enacted, that the original boundary lines of each and every township or district within this province shall be run betwixt township or district within this province, shall be run betwixt township and township, and marks renewed once in three years, viz. on the first Monday in March by the surveyors of lines and bounds appointed for the respective townships, as directed by this act or the major part of them, and the persons so appointed for each respective township are hereby empower'd and directed to give six days notice to the persons appointed for the adjacent townships of the time and place of meeting for such survey, and any person or persons appointed as aforesaid, refusing or neglecting to attend at the place mentioned in such notice, being duly served therewith shall forfeit and pay the sum of forty shillings, each to be recover'd on complaint before any two of his Majesty's justices for the county, where such complaint shall be made, and one half of the said forfeiture, shall be paid to the person or persons, who shall complain and prosecute for the same, and the other half to the overseers of the poor for the use of the poor of such towns, from whence the complaint was made, and whenever the surveyors of any township, which shall have had notice as aforesaid, shall refuse or neglect to attend the said business, the surveyors who shall have given such notice shall, and they are hereby empower'd to proceed in running and marking such line, which shall be as effectual as if the surveyors of both townships had join'd.

And be it further enacted, that each and every proprietor of lands laying unfenced, or in any common field, shall once in two years on six days notice given him, his agent, or attorney by the next proprietor or proprietors adjoining, run the lines make and keep up the boundaries of such lands or common field by stones or other sufficient marks, and every party so neglecting or refusing, shall forfeit the sum of twenty shillings, one half of which shall be to the party complaining, and the other half to the overseers of the poor for the use of the poor of said township, and to be heard and determined before any one of his Majesty's justices of the peace within the same county, and the proprietors of any field held in

common, whether divided or undivided shall, and they are hereby empower'd to order, improve and fence in such way or manner, as shall be concluded and agreed upon by the major part of the interested therein, the voices to be collected and accounted according to their respective interests, and if any person shall refuse to make, keep up, support, and maintain his quota part of proportion of such fence so agreed on to be made, and shall on notice given him for that purpose by any one of the proprietors concern'd with him in the said common field, neglect the same for the space of thirty days, the fence viewer shall on application being made to him, make and set up a deficient fence, or repair any fence already made, if in his judgment the same is insufficient, and the person or persons, that of right ought to build and maintain the same, shall pay double the costs and charges expended for the doing thereof, and in case of refusal, such fence viewers may recover the same before the inferior court of common pleas or before one or two justices according to the value thereof; and the said fence viewers, shall be allowed three shillings per day for his own trouble, and time expended therein.

And if any person or person, shall neglect or refuse to comply with any regulations made by the proprietors of any common field as aforesaid, which regulation shall be made annually, he or they shall forfeit and pay the sum of ten shillings for the use of the poor of the town where such common field shall lie, to be recover'd by the oath of one credible witness before any one of his Majesty's justices of the peace, for the county wherein such lands are, to be levied by distress and sale of the offenders goods and chattles, and shall moreover make satisfaction for all damages, that may have arisen by such neglect or refusal.

And whereas many inconveniencies have arisen for want of cattle being branded or otherways mark'd that run in common.

Be it enacted, that all and every owner of any horse or horses, neat cattle, sheep or swine; shall brand or otherways mark such horse or horses, neat cattle, sheep or swine, in such manner as that the same may be clearly known, and shall enter such mark or brand with the town clerk in a book to be kept by him for that purpose, and the said town clerk shall receive for recording the said mark or brand the sum of six pence.

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