

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Sixth Day of June, Anno Domini, 1770, in the Tenth Year of the Reign of Our Sovereign Lord George the Third, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Eleventh Day of June, Anno Domini 1781, in the Twenty-first Year of His said Majesty's Reign, being the Fourteenth Session of the Fifth General Assembly convened in the said Province.\*

\* In the time of Sir Richard Hughes, Bart. Lieutenant-Governor; Bryan Finucane, Chief Justice, and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council, and Isaac Deichamps, Clerk of Assembly.

### CAP. I.

This Act repealed, by 35th Geo. 3d.

An ACT, in addition to an Act made in the Second year of His present Majesty's reign, entitled, an Act for the better regulating the Militia on actual service in Time of War.

### CAP. II.

An ACT to establish authenticated Copies of the Records of Council as legal Evidence.

Preamble.

**W**HEREAS many titles to land depend on votes of His Majesty's Council, and many other proceedings in Council, become oftentimes necessary evidence in suits at law; and whereas doubts may arise relative to the admissibility of such evidence, and the producing the original records in Court is attended with great inconvenience; in order therefore to remedy the same:

The transcript or copy of any vote or proceedings of His Majesty's Council, relating to titles to lands, to be admitted as evidence.

The Clerk of the Council to give copies of such proceedings.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter the transcript or copy of any vote or proceedings of His Majesty's Council, relating to titles of lands, attested as a true copy, and signed by the Clerk of the Council, shall be admitted and received as legal evidence in any cause depending in any of His Majesty's Courts within this Province; and the Clerk of the Council is hereby required and directed, upon the application of any of the parties at variance, or their Attorney, to give an exact copy of all such proceedings, attested and signed by him, and that there shall be paid for the same, for every search, one shilling

shilling, for every authentic copy, signed by him, six shillings and eight pence, if under one hundred words, and for every hundred words more, at the rate of one shilling for every one hundred words. See for the same

## CAP. III.

An ACT in further addition to an Act, made in the Thirty-fourth year of His late Majesty's Reign, entitled, an Act for appointing Commissioners of Sewers.

**W**HEREAS many persons are great sufferers by the cutting of sods or soil, for the making of dykes, and others are also sufferers by the washing away of considerable pieces of marsh-land, which were allotted to them as part of their share, in tracts of marsh land, divided between them and other proprietors, in the townships in this Province, owing to the dykes made to secure the whole concerned in said marsh land, and that it is reasonable some compensation should be made for such loss so sustained:

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That when it shall appear that the sods or soil shall have been cut off the land of any proprietor, in any tract of marsh land dyked in common with other proprietors, for the purpose of dyking in the same, or, that the land of such proprietor shall have been washed away by the tide or current of the river, and that by the making of new dykes, to secure the said piece or tract of marsh land so held in common, such proprietor shall have lost a part or the whole of his lot, it shall and may be lawful for the Commissioners of Sewers of the township, to cause a just valuation to be made of the loss, such proprietor shall have sustained as aforesaid, which valuation shall be made by at least five freeholders, not interested in the piece or tract of marsh, where such loss shall have been sustained, who shall be sworn truly and impartially to value the same; and if it shall happen that there is in such tract or piece of marsh-land, a sufficient quantity thereof, lying in common and undivided, to make good the loss so sustained, the Commissioners of Sewers shall decree possession thereof, or of so much thereof as is sufficient to make good the same to such proprietor; or, on failure of such undivided land, by an assessment for the value thereof, to be paid in a just proportion among the other interested in such piece or tract of marsh land.

For Acts in amendment or addition to this Act see 34th Geo. 2d cap. 7.

Preamble.

Where Sods or Soil shall be cut off the land of any proprietor, for making dykes in common such person shall be compensated. Mode of redress.

## CAP. IV.

An ACT to explain so much of an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act for preventing Trespasses, as relates to the regulating Fences.

**W**HEREAS doubts have arisen in regard to the intent and meaning of that part of the second section of the Act made in the thirty-second year of His late Majesty's reign, entitled, An Act for preventing Trespasses, which relates to the fences to be made by the owners and proprietors of fields lying and being adjoining to other inclosed fields:

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That all partition fences, between lands under improvement, shall be made and maintained from time to time, in equal proportion, by the owners or proprietors of such lands respectively. But when it shall happen that it shall be wood, barren or burnt land, and not under any improvement, no proprietor shall be obliged to make any part of the fence to said wood, barren or burnt land; any law, usage or custom to, the contrary notwithstanding.

For Acts in amendment or addition to this Act see note on 32nd Geo. 2d. cap. 14.

Preamble.

Expence of erecting partition fences between lands under improvement; and Lands unimproved.