

C A P. V.

An A C T for establishing the Times of holding an
*Inferior Court of Common Pleas and General Ses-
sions of the Peace* in the Township of *Yarmouth*.

Preamble.

HEREAS the Want of Roads and the Distance between the
the Township of Shelburne and Townships of Yarmouth and
Argyle in the County of Shelburne renders it inconvenient for
the Inhabitants resident in said Townships to attend at the In-
ferior Court of Common Pleas and at the General Sessions of the Peace
held at Shelburne, for Remedy whereof.

Inferior Court of
Common Pleas and
General Sessions of
Peace to be held in
the Township of
Yarmouth, first
Tuesday *April*, and
last Tuesday *Octo-
ber* annually.

The Laws of the
Province relating
to the practical or
Judicial proceed-
ing of the Courts of
Law extended to
the above Courts at
Yarmouth.

I. Be it enacted by the Lieutenant Governor, Council and Assembly,
That an *Inferior Court of Common Pleas*, and a *Court of General Sessions
of the Peace*, shall and may be kept and held within the Township of
Yarmouth in the County aforesaid, on the First Tuesday of *April* and
last Tuesday of *October*, in every Year.

II. And be it further enacted, That all and every the Laws of this
Province respecting the Ballotting, summoning and attendance of
Jurors, ordering and taking of Bail, the service of Writs and Execu-
tions, or which relate to order, and direct, either practical or judicial
Proceedings of the Courts of Law in this Province, shall extend, and
be construed to extend to the said *Inferior Court of Common Pleas* and
General Sessions of the Peace in the said Township of *Yarmouth*.

C A P. VI.

An A C T to enable the Inhabitants of the Town
Plot of *Dartmouth* to use and occupy the Common
Field, granted them by His Excellency the Lieut-
enant Governor, in such way as they may think
most beneficial to them.

Preamble.

HEREAS His Excellency the Lieutenant Governor hath
granted a certain Tract of Land adjoining to the Town Plot
of *Dartmouth* to the Inhabitants thereof for the time being,
for the purpose of a Common Field for feeding Cattle, &c.
and as the Intention of said Grant cannot be carried into Effect without the
Aid of a Law for that Purpose.

Proprietors to meet
once a Quarter on
the order of the
Trustees.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Af-
sembly, That it shall and may be lawful for the Proprietors and Per-
sons interested in said Common-Field, to assemble in such Place in
said

ſaid Town, as the Truſtees named in ſaid Grant ſhall appoint once in every Quarter of a Year, and one or more of ſaid Truſtees are hereby impowered to grant an Order for ſuch Meeting, directed to one of the Conſtables for the Diſtrict of *Dartmouth*, requiring him to notify the Proprietors and others intereſted in ſaid Common Field of the Meeting, and the Time and Place for the ſame, which Notification ſhall be given in Writing poſted up in ſome public Place within the Town aforeſaid, five Days before the Day appointed for the Meeting, and ſuch and ſo many of the Proprietors and Perſons intereſted in ſaid Common Field, who ſhall be aſſembled, and meet accordingly, ſhall have power by a Majority of Votes to chuſe a Clerk to enter and record all Votes and Orders that from Time to Time ſhall be made and paſſed in ſaid Meeting, reſpecting the ſaid Field and the Management thereof, who ſhall be ſworn to the faithful Diſcharge of his Office, and alſo to paſs Orders for the managing and improving ſaid Common Field.

Empowered to chuſe a Clerk to enter a record Votes &c. and to make orders for the improvement of the Common.

And for the better enabling the ſaid Proprietors and Perſons intereſted in ſaid Common Field to fence and improve the ſame.

II. *Be it further enacted by the Authority aforeſaid,* That the Proprietors and Perſons intereſted in ſaid Common Field, that by either of the Truſtees for the time being may ſue, commence and proſecute any Suits or Actions (reſpecting the Management of ſaid Common Field) in any Court proper to try the ſame, and in like Manner to defend all ſuch Suits and Actions that ſhall be commenced againſt them, and the ſaid Proprietors and Perſons intereſted in ſaid Common Field are hereby impowered at their quarterly Meetings to order the raiſing of any ſuitable Sum or Sums of Money, that ſhall be by them thought ſufficient to carry on and proſecute, or defend any Actions or Suits that may be brought by or againſt them, or for the carrying on or managing any Affairs relating to the ſaid Common Field, and to appoint three of the Proprietors aforeſaid, to proportion ſuch Sum or Sums, as ſhall be thought neceſſary to be raiſed for the Ends and Uſes aforeſaid upon the Proprietors and Perſons intereſted therein, and to appoint a Collector or Collectors to gather in, and collect the ſame, which Collector or Collectors ſhall be and are hereby fully authorized and empowered to levy and collect the Sum or Sums ſet, and apportioned for ſuch Proprietors to pay in the ſame Manner as the Collector or Collectors in the Town of *Halifax* are impowered to collect the public Taxes; and to pay in the ſame to the Clerk of ſaid Meeting) who is hereby impowered to grant Warrants for levying and collecting ſuch Aſſeſſments) at ſuch Times as ſhall be by them appointed for the Payment thereof, and ſuch Clerk ſhall be accountable to ſaid Proprietors therefore, and the Perſon ſo aſſeſſing and the Collector or Collectors that ſhall be appointed, ſhall be under Oath for the faithful Performance of their Services reſpectively.

Truſtees to ſue or defend Suits for Proprietors reſpecting the Common.

Proprietors to raiſe Money, and any three of them to apportion the Sum voted among them and to appoint a Collector, who is authorized to levy the ſame as the public Taxes are collected at *Halifax*.

Proprietors to make orders for Fencing the Common and to annex penalties for non obſervance.

Provided the orders are not repugnant to the Laws of the Province.

Proprietors or Trustees not alienate the Common, or to levy Taxes on ſuch Proprietors as do not uſe the Common.

III. *And be it further enacted by the Authority aforeſaid, That the Proprietors and Perſons intereſted in ſaid Common Field at a Meeting warned (as by this Act directed) and aſſembled, ſhall and may have Power by a Majority of Votes of the Perſons then aſſembled, to make and paſs ſuch Orders for fencing and improving of ſaid Common Field as by them ſhall be thought proper and convenient, and to annex Penalties on the Breach and Non-Obſervance of ſuch Orders; provided ſuch Penalties do not exceed Fifteen Shillings for one Offence. Provided alſo, That ſuch Orders ſo made are not repugnant to the general Laws of the Province, ſaid Penalties to be recovered before any of His Majeſty's Juſtices of the Peace for the County of Halifax, and to be diſpoſed of as ſaid Proprietors ſhall order or direct, any Law, Uſage or Cuſtom to the contrary notwithstanding. Provided always, That this Act nor any Thing therein contained, ſhall be conſtrued to impower ſaid Proprietors or the Trustees to alienate ſaid Common Field, or any Part thereof, or to aſſeſs or levy any Money on any Commoner, who ſhall not uſe his Right of Common, or on any Commoner, except in Proportion to the Beaſts he may depaſture there, and the Benefit he may derive from ſaid Common Field.*

C A P. VII.

An Act in Amendment of the ſeveral Acts paſſed in the firſt and twenty-eight Years of His Majeſty's Reign, relative to the repairing of Highways, Roads, Bridges, &c.

Preamble.

HEREAS the Road leading from the Town of Halifax to the Town of Annapolis, is frequently rendered inconvenient to paſs, from the great depth of Snow, and the injudicious Manner of uſing the ſaid Road, for Remedy whereof.

Sleds conſtructed to carry Loads paſſing from the Town of Halifax to Annapolis to be not leſs than four feet in Breadth and if drawn by more than one Horſe or Ox, the ſame to be Harned ſide by ſide of each other.

I. *Be it enacted by the Lieutenant Governor, Council and Aſſembly, That from and after the Publication of this Act, all loaded Sleds, or ſuch as are conſtructed to carry Loads, going to or coming from the Town of Halifax, or uſing any part of the Road leading as aforeſaid, and which ſhall be drawn by more than one Horſe or Ox, ſhall be in Breadth from Outside to Outside of the Runners not leſs than four Feet, and that the Horſes or Oxen drawing the ſame, ſhall be harned or yoked in ſuch Manner, that they draw two and two, ſide by ſide of each other.*

Penalty for diſobeying this Act 10s. to be recovered before one or more Juſtices of the Peace.

II. *And be it further enacted, That any Perſon diſobeying this Act ſhall forfeit the Sum of Ten Shillings for each and every Offence to be recovered before any one of His Majeſty's Juſtices of the Peace, and the Money ſo recovered to be appropriated to the Uſe of the Perſons informing and proſecuting the ſame to effect.*

III. *And*