

*Judges' Fees.*

On Judgment only, the whole Court—Two Shillings and Six Pence.

*Prothonotary's Fees.*

On Writ—One Shilling.

On Judgment—One Shilling and Six Pence.

VIII. *And be it further enacted*, That if any Justice or Justices, Judge or Judges, Attorney or Attornies, Prothonotary or Prothonotaries, shall ask, demand or receive, any greater or other Fees than are herein allowed, he or they shall forfeit and pay a fine of Ten Pounds, together with costs, to be recovered in any Action or Suit, by him or them that will sue for the same, in any Court of Record within the County where such greater Fee or fees than are herein allowed, shall have been received: which Court of Record shall hear and determine such Action in a summary way.

Demanding greater Fees than are allowed by this Act

IX. *And be it further enacted*, That the Commissioners of the several Courts heretofore established within this Province, shall have power to issue Executions on the several Judgments which may have been obtained heretofore, in their respective Courts, and to proceed to collect the money due on such Judgments in the same manner as if the Act for the Summary Trial of Actions, made and passed in the fifty-eighth year of the reign of His late Majesty King George the Third, was in full force and effect.

Execution of Judgment given in Commissioners Court

X. *And be it further enacted*, That this Act shall be in force for one year, and from thence to the end of the next Session of the General Assembly.

Continuance of Act

## CAP. XXXI.

An ACT to authorise the Sale of the Old Court-House and Jail, and the Lot of Land on which the same stand, at Guysborough, in the County of Sydney.

**W**HEREAS a New Court-House and Jail have lately been erected at Guysborough aforesaid, and the Old Court-House and Jail in that place are no longer required for any public purposes, and are in such a decayed and ruinous state, as to render a sale of them, and also of the Lot of Land on which they stand, expedient and requisite, in order that the proceeds of such sale may be applied towards the payment of the sum of Money remaining due, for the Building of the said New Court-House and Jail:

Preamble

I. *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That Thomas Cutler, Esq. Senior Justice of the Peace in and for the said County of Sydney; and Timothy William Hierlihy, Joseph Marshall, and John Cunningham, Esquires, also Justices, as aforesaid, in and for the said County; and David M'Queen, Esquire, High-Sheriff of the said County, or such of them as shall be living at the time of the sale hereinafter directed, shall be, and they are hereby, invested with full power and authority to sell the Lot of Land before mentioned, with the said Old Court-House and Jail thereon, at Public Auction, to the highest bidder; after giving thirty days Public Notice of the time and place of making such Sale; and to Sign, Seal, and Deliver, to the Purchaser or Purchasers thereof, a Deed or Deeds thereof, upon payment of the consideration money for the same; which Deed, or Deeds,

Persons authorised to sell the Lot of Land and Court House at Guysborough—to give a Deed—and pay the proceeds to Treasurer of the County.

Proceeds of  
Sale how ap-  
plied

Deeds shall be sufficient to vest in the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, a good and sufficient Estate in fee simple, of and in the said Premises; and, upon Receipt of the Purchase Money, the said Trustees shall pay the same over to the Treasurer of the said County, and the same shall be applied, under and by the order and direction of the Justices in and for the said County, in their General Sessions of the Peace, towards the payment and satisfaction of the sum, remaining due for the erection of the New Court-House and Jail, before mentioned, or for the purpose of rendering the said Buildings more commodious or secure.

CAP. XXXII.

An ACT for consolidating and reducing into one Act all the Acts, heretofore made, relating to Trespasses.

Fences, Mate-  
rials, Height

Trespassing  
upon enclosures

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That all Fences, belonging to any enclosed Lands, shall be built or made with stones, pickets, boards, logs, poles, brush, or posts and rails, unless the Lands are bounded by ponds, unfordable rivers or the sea, or surrounded by good and sufficient hedges: and such Fences and Hedges shall be at least four feet and a half high, except on the Peninsula of Halifax, where four feet in height shall be adjudged a legal Fence, under this Act; and if any damage be done by breaking such enclosures and destroying any of the product thereof, by horses, sheep, hogs and neat cattle, if such enclosures shall, at the time of such damage, be enclosed by a good and sufficient Fence, agreeable to this Law, in the judgment of the Fence Viewer, who is hereby appointed to view the same, the Owner of such Cattle, so trespassing, shall pay, to the party injured, the value of all such damages, to be ascertained on an appraisement thereof by three credible persons living in the neighbourhood, being first sworn before one of His Majesty's Justices of the Peace of the County where such Lands lie, truly to value the same; and in case the Owner of the said Cattle, or Hogs, shall refuse to pay the value of such appraisement, upon notice thereof given to him, the injured party may have and maintain his Action therefor, before any one or more of the said Justices, or before the Interior Court of Common Pleas, according to the value of such damage.

AND WHEREAS, the Owners and Proprietors of Fields lying adjoining to other enclosed Fields do neglect to fence a proportionable part of such Fields:

Owners of  
Fields neglect-  
ing or refusing  
to do their  
proportion of  
Fencing

II. Be it enacted, by the authority aforesaid, That the Proprietor of any Field adjoining to another enclosed and improved, shall build up and maintain his part or proportion of Fencing, with a good and sufficient Fence of four feet and a half high, on that part of such Land, as is adjoining to his own: and in case he neglects so to do, within the space of ten days after notice given him, it shall and may be lawful, and any one of the Fence Viewers, upon application being made to him, in such case, is hereby empowered forthwith, to cause such deficient Fence to be raised or made, or otherwise to repair, any Fence already made, if in his judgment the same is insufficient, and the person or persons, that of right ought