

CAP. XXVI.

An Act relating to Common Fields.

Preamble

WHEREAS, *great inconvenience has been felt by the Proprietors of Common Fields, from individuals, or other Proprietors of Common Fields, marking Horses and Cattle with a brand or mark, similar to that previously adopted, and used by such first mentioned Proprietors, for remedy thereof:*

Brand marks to be entered on a Book by Town Clerk

I. *BE it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, every brand or mark adopted by the Proprietors of any Common Field, in and by their regulations concerning such Common Field, or otherwise, for the purpose of branding or marking the Horses or Cattle, turned or to be turned into such Common Field, before the same shall be used for that purpose, shall be entered by such Proprietors in a Book, to be kept by the Town Clerk of the Township or Settlement wherein such field may be situate, who shall receive, for so recording the said mark or brand, the sum of one shilling.*

Penalty for entering more than one mark of the same description

II. *Provided always, and be it further enacted, That such Town Clerk, after entry of any such brand or mark, shall not so enter any other brand or mark, similar thereto, under penalty of Ten Pounds, to be recovered by any person who shall sue for the same, by bill, plaint or information, in any Court of Record, to be applied, one half to the use of the person who shall so sue for the same; and the other half to the use of the Poor of the Township, Parish or Settlement, in which the Office of such Town Clerk may be situate.*

Penalty for non-entrance of Brand mark

III. *And be it further enacted, That if any Proprietor or Proprietors of any Common Field, or any person or persons by him or them, or any of them, duly authorized or appointed, shall brand or mark any horse or horses, ox or oxen, cow or cows, or other cattle whatsoever, for the purpose of turning them, or any of them, into any Common Field, with any brand or mark not duly entered or recorded by the Town Clerk, in manner aforesaid; or if any person or persons shall imitate, counterfeit or use, any such brand or mark so entered and recorded as aforesaid, for the purpose of marking or branding a horse, ox, cow, or any other beast of the description aforesaid, except such person or persons as may be authorised and entitled so to do, under and by virtue of the regulations of the Proprietors of the Common Field, so having adopted and entered such brand or mark, with the Town Clerk as aforesaid, each and every person so offending or being accessory thereto, on conviction thereof, before any two of His Majesty's Justices of the Peace, for the County or District wherein the offence shall have been committed, shall, at the option of such Justices, be adjudged, either to be committed to the Common Goal of such County or District, for a term not exceeding three Months, nor less than one Month, and be accordingly committed by Warrant, under the hands and seals of the said Justices, or shall be adjudged to forfeit and pay a sum not exceeding Five Pounds, nor less than Three Pounds, with costs of suit, to be levied by warrant of distress, and sale of the Offender's Goods and Chattles, and to be paid, after deducting such costs, to the Overseers of the Poor, for the use of the Poor of the Township, Parish or Settlement, wherein such offence shall have been committed.*

Preamble

And Whereas, from the length of time now allowed by Law, after notice given to persons holding Lands adjoining such Common Fields, to repair their Fence dividing their lands from such Common Fields, before a fence-viewer can legally proceed to cause such deficient Fence to be repaired; great injury is often done to such Common Fields, for remedy thereof:

Owners of lands adjoining Common must repair fence

IV. *BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, the Proprietor or Proprietors of any Field, adjoining to any Common Field enclosed*

and improved, in case his or their part of the Fence dividing his or their Land from such Common Field, shall become deficient or out of repair, shall immediately repair such deficiency, and make the same a good and sufficient legal Fence, and in case he or they neglect so to do, within the space of three days after notice given him or them; 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 built up and repaired, if, in his judgement, the same be insufficient; and the person or persons that of right ought to repair and maintain the same, shall pay double the costs and charges expended for the closing thereof, and in case of refusal, such Fence-viewer may recover the same, by action on the case, according to the value, in manner aforesaid. *Provided always*, that no Fence-viewer shall be allowed more than three shillings per day in his account, for his own trouble and time expended herein. And if any Fence-viewer, when notified, shall neglect his duty herein, he shall forfeit Two Pounds for each offence, to be recovered on due proof before any Justice of the Peace, for the County or District in which such lands shall lie; one half to the person who shall prosecute for the same, and the other half or the Poor, of the Township or place where the offence shall be committed.

Fence viewers
may cause fences
to be repaired.

Proviso

CAP. XXVII.

An Act to authorize the Justices of the Peace in the Town of Halifax, to borrow money, on the credit of the Town, for erecting a suitable Stone Building, as a Magazine for the reception of all Gunpowder imported and brought into Halifax; and to compel the Importers thereof, to deposit the same in the Magazine.

WHEREAS, His Excellency the Commander-in-Chief, by Message, informed the Honourable House of Assembly, that he has received a Communication from the Ordnance-Store-Keeper-General at Halifax, accompanied by an Order from His Grace the Duke of Wellington, and the Honourable the Board of Ordnance, not to permit any more Powder, owned by the Merchants, to be received into the King's Magazine at Halifax, and to cause what might be then in Store, to be removed as soon as a place could be procured to contain the same:

Preamble

And whereas, it is indispensably necessary for the preservation of the Town, and conformably to the said Message, that a suitable Stone Building should be erected, for the reception of Gunpowder:

I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly, That the Justices of the Peace for the Town of Halifax, shall and may borrow, on the credit of the Town, such sum of money as may be necessary to purchase a piece of ground, and to erect a suitable stone building thereon, for the reception of all Gunpowder now in the King's Magazine at Halifax, belonging to the merchants; and all Gunpowder which may hereafter be imported or brought into this Town.

Money may be
borrowed on the
credit of the Town
for buying land,
and erecting Ma-
gazine

II. And be it further enacted, That the said Magazine, when completed, shall be the property of the Town of Halifax, and shall be under the control and management of the Magistrates, who are hereby from time to time empowered, in any General or Special Sessions, to appoint fit and proper persons to take charge of the same; and also to establish a rate of Storage, for all Gunpowder deposited in the Magazine, which storage shall be applied to the payment of the interest of the Money borrowed, and towards the liquidation of the principal, the said Storage, to be recovered in the

Magistrates to
appoint Keepers
and fix rates of
Storage

Receipts to be
applied to liquida-
tion of debt