

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

Magistrates to  
appoint Keepers  
and fix rates of  
Storage

Receipts to be  
applied to liquida-  
tion of debt

the

the same manner, as any other debt, in an action, to be brought by any three of His Majesty's Justices of the Peace, for the Town of Halifax.

All persons bound to store Gunpowder in the Magazine

III. *And be it further enacted,* That so soon as the Magazine, so to be erected, shall be ready for the reception of Gunpowder, all and every person or persons, importing or bringing Gunpowder, not belonging to His Majesty, into Halifax; or to whom any such Gunpowder may be consigned, shall immediately store the same in the said Magazine; and if any person or persons, importing or bringing into Halifax any Gunpowder, or any person or persons to whom any Gunpowder shall be consigned, shall store or deposit the same in any other Building, of whatsoever description, within Ten Miles of the Town of Halifax, except the quantity allowed by Law, for persons to have in their possession, the person or persons, refusing to put their powder into the Magazine, or who shall deposit Gunpowder, in any other Building within Ten Miles of the Town of Halifax, shall pay a fine of Twenty Pounds, and the Justices shall seize the Gunpowder as forfeited; and shall apply the proceeds arising from the sale of the Gunpowder, as well as the Fine, in the same manner and to the same use, as the Storage, to be paid, is heretofore directed to be applied; the said fine to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in the Province, by any three of His Majesty's Justices of the Peace for the County of Halifax.

Penalty for refusal or neglect

Application of fines

After paying the debt—the receipts to become Town Property

IV. *And be it further enacted,* That after the debt incurred in borrowing money, shall have been paid, all sums arising from the storage of Gunpowder, and from all fines or forfeitures, and the proceeds arising from all Gunpowder, so seized as aforesaid, shall be applied to Town-purposes; any law, usage or custom, to the contrary notwithstanding.

£180 may be drawn from Treasury in aid of the object

V. *And be it further enacted,* That there shall be granted and paid, out of the Treasury of the Province, the sum of one hundred and eighty pounds currency, in aid of the expense of building such Magazine, being the sum formerly granted for that purpose; and the said sum of money shall and may be drawn from the Treasury by warrant from the Lieutenant-Governor, when and so soon as the said Magazine shall be completed.

## CAP. XXVIII.

### An Act to extend to Bridgetown, in the County of Annapolis, the Provisions of the Act relating to Commissioners of Highways, in Halifax, and certain other places.

Act relating to Commissioners of Highways extended to Bridgetown

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the last Session of the General Assembly, entitled, An Act relating to Commissioners of Highways, in Halifax, and certain other places, and all the regulations and provisions thereof, with every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended, to Bridgetown, in the County of Annapolis; and it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint three respectable Inhabitants and Freeholders of Bridgetown aforesaid, to be Commissioners of Highways therein, for the purpose of carrying into effect the provisions and regulations of the said Act, and to proceed to supply any vacancy that may occur amongst such Commissioners, and such appointment to renew when necessary, in the same manner as is pointed out and provided by said Act.

II. *And be it further enacted,* That the Jurisdiction, powers and authority of the said