

C. A. P. XXVIII.

An ACT for the appointment of TOWN or PARISH OFFICERS in the several counties in this province.

I. *Be it enacted by the Governor, Council and Assembly,*

THAT the justices of the general sessions of the peace for the several counties in this province shall hereafter annually at the first sessions of the said court appoint out of every town or parish in the said county three fit persons to be overseers of the poor of the said town or parish, and at the same time, in like manner appoint one fit person in every town or parish in said county to be clerk of the said town or parish, who shall be sworn truly to enter and record all such matters and things, as shall relate to the said town or parish and shall appertain to his office, and shall also appoint two or more as they shall see convenient to be constables in said town or parish; and shall also appoint two or more as they shall see convenient to be fence viewers in such town or parish, and shall also appoint one clerk of the market in said town or parish, and shall also appoint a sufficient number in their discretion to be pound keepers, in said town or parish, and shall also appoint a sufficient number in their discretion to be cullers and surveyors of fish in said town or parish, and shall also appoint a sufficient number in their discretion to be surveyors of lumber, and of cord wood in said town or parish, and shall also appoint one sealer of leather in said town or parish, and shall also appoint a sufficient number in their discretion to be gaugers of casks in said town or parish, and shall also appoint a sufficient number in their discretion to be hogreeves in said town or parish, and shall also appoint three fit persons to be assessors in said town or parish of all such rates and taxes as shall be payable by any act or acts of the Governor, Council and Assembly of this province, and shall also appoint a sufficient number in their discretion to be surveyors and weighers of hay in said town or parish, and shall and may also appoint a sufficient number in their discretion in each town or parish to be inspectors and examiners of any staple commodity in such counties respectively for market or exportation, who shall be respectively sworn in said court, where they shall be so appointed, or within fourteen days after such appointment, before one of his Majesty's justices of the peace in the county where such town or parish lies; which court and justices respectively are hereby authorized to administer such oaths, to the faithful discharge of their duty, and also shall conform to the laws of this province respecting or regulating the same; and upon their or any or either of their refusal to accept, or being guilty of any neglect or misbehaviour in the execution of the duty of their respective offices, they shall forfeit and pay for the use of the poor of the said town or parish the sum of forty shillings, for every such refusal, neglect

Justice: of general sessions to appoint annually at the first sessions, overseers of the poor—town or parish clerks—constables—fence viewers—clerks of the market—pound keepers, cullers, &c. of fish—surveyors of lumber and cord wood—sealers of leather—gaugers of casks—Hogreeves—assessors of rates, &c. Surveyors, &c. of hay—inspectors, &c. of staple commodities in counties, who shall be respectively sworn in court or within fourteen days by a single justice.

For refusal or neglect shall forfeit 40s.

or misbehaviour, to be recovered upon proof of such refusal, neglect or misbehaviour, by the oath of one credible witness, before any two of his Majesty's justices of the peace for the county where such town or parish is, to be levied by warrant of distress, and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the costs and charges of prosecution to the offender. And if any person so appointed shall leave the province, change the town of his residence, or happen to die within the period for which he shall be appointed to serve in any of the said offices, in such case any two of his Majesty's justices of the peace for the county shall and may appoint a fit person, who shall be sworn as aforesaid to the faithful discharge of his duty, and shall serve in such vacant office until another shall be appointed by such court of general sessions at their meeting next ensuing such vacancy.

In case of death, leaving the province or change of town, two justices to appoint others.

Surveyors, &c. of hay, to be paid one penny per hundred and four pence per mile travel, by seller.

II. *And be it further enacted*, That the surveyors and weighers of hay, shall be paid for their trouble in viewing and weighing hay at the rate of one penny per hundred weight, and four pence per mile travel; if such travel exceed one mile to be paid by the seller.

In counties where the courts of sessions have been held this year before publication of this act, justices required to call special sessions for the appointment of officers aforesaid.

III. *And be it further enacted*, That in such of the counties in this province where the said court of general sessions of the peace has been already held in this year, or shall be held before the publication of this act, it shall and may be lawful, and the justices of the said sessions are hereby required to call and hold as soon as conveniently may be after the publication of this act a special sessions for the purpose of appointing the several officers as in and by this act is directed, which officers so appointed shall in all respects act, and be liable, as if they were appointed at the general sessions of the peace as herein before directed, and shall continue in their respective offices until other persons shall be appointed in their stead at the first general sessions of the peace to be held in such counties respectively, in the year of our Lord one thousand seven hundred and eighty-seven.

CAP. XXIX.

An ACT for preventing TRESPASSES.

Preamble.

WHEREAS sundry disputes have arisen and may arise between the occupiers of lands lying adjoining to each other respecting the fences and inclosures of the same.

Division fences to be erected, on notice, at the joint expense of occupiers of adjoining improved lands.

II. *Be it enacted by the Governor, Council and Assembly*, That the fences dividing improved lands belonging to any person or persons from improved lands belonging to any other person or persons, shall be built up, made and maintained at the joint and equal