

Witnesses for
prisoners shall be
sworn & punish-
able for Perjury
Eng. stat. 1. Ann.
stat. 2. c. 9. sect. 3.

Indictments, &c.
to be according
to the practice of
England.

Former convictions
confirmed.

Saving for judg-
ments depend-
ing.

The Acts which
are in addition to
or in amendment
or alteration of
this Act, are 33d.
Geo. 2d. cap. 14.
1st. Geo. 3d. caps
10. and 15. 7th
Geo. 3d. caps. 1
and 2. 8th Geo.
3d. cap. 12. 8th
and 9th Geo. 3d.
cap. 7. 11th Geo.
3d. cap. 5. 17th
Geo. 3d. cap. 6.
1st. Geo. 3d.
cap. 4. 25th Geo.
3d. cap. 4. 29th
Geo. 3d. cap. 8.
40th Geo. 3d.
cap. 2. and 3.

Fences to be
made of stone, &c.

Owners of tres-
passing cattle to
pay damages

Proprietors of
fields to fence
their proportion,
or on their neg-
lect

the fence viewer
to make or repair
such fence; and
the proprietor to
pay double the
cost

XXXV. *And be it further enacted,* That every person who shall be produced, or appear as a witness on the behalf of the prisoner, upon any trial for murder or felony, before he or she be admitted to give evidence, shall first take an oath, to depose the truth, in such manner as the witnesses for the King are, by law, obliged to do; and if any witness be convicted of wilful perjury in such evidence, he shall suffer all the penalties, forfeitures and disabilities which, by law, may be inflicted on persons convicted of wilful perjury.

XXXVI. *And be it further enacted,* that all indictments, process, pleadings, and trials, and the rules of evidence upon any trials for any felonies or misdemeanors, either by the common law of England, or by virtue of this Act, shall be according to the usage, practice, and laws of England.

XXXVII. And that all convictions, attainders, judgments, and executions, for any felonies or misdemeanors, before the making of this Act, shall be good and valid in law, and the same are hereby ratified and confirmed.

XXXVIII. Saving to all and every person and persons, all such advantages in law, upon any judgment that may be depending in any Court of record, at the time of making this Act, in the same manner as if this Act had not been made.

* A Receiver of stolen goods may be prosecuted as for a misdemeanor, only where the principal is not in custody and mesneable for the felony. Judge Foster's 3d disc. Of accompli. Subjoined to his report. c. 3. sect. 6
Taking rewards to help persons to stolen goods, is, by Brit. stat. 4. Geo. 1. c. 11. declared to be felony, unless they cause the felon to be brought to trial.—This Act is extended to his Majesty's dominions in America.

C A P. XIV.

An ACT for preventing Trespases.

BE it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same: *it is hereby enacted,* in order to regulate fences, and to prevent damages being done to the proprietors of inclosed lands by unruly cattle, that all fences belonging to any inclosed lands shall be built or made with stones, pickets, boards, or posts and rails, or log fence, unless the lands are bounded by ponds, unfordable rivers, or the sea; and such fences shall be, at least, four feet and an half high: and if any damage be done by breaking such inclosures, and destroying any of the product thereof, by horses, sheep, hogs, and neat cattle, if such inclosures shall, at the time of such damage, be inclosed 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 owners of such trespassing cattle, shall pay to the party injured, the value of all such damages, to be ascertained, on the appraisment 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 appraisment, upon notice thereof given him, the injured party may have and maintain his action therefor, before any one or more of the said Justices, or before the Inferior Court of Common Pleas, according to the value of such damage.

II. *And whereas the owners and proprietors of fields, lying and being adjoining to other inclosed fields do neglect to fence in their proportionable part of such fields; Be it enacted, by the authority aforesaid,* That the proprietor of any field, adjoining to another inclosed or improved, shall build up and maintain his part or proportion of fencing, with a good and sufficient fence of four feet and an 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 may and shall be lawful, and any one of the fence viewers, upon application being made to him in such case, is hereby impowered forthwith to cause such deficient fence to be raised or made, or otherways to repair any fence already made, if, in his judgment, the same is insufficient: and the per-
son

son or persons that of right ought to build and maintain the same, shall pay double the costs and charges expended for the doing thereof; and in case of refusal, such fence viewers may recover the same by action on the case, according to the value in manner aforesaid. *Provided always*, that no fence viewers shall be allowed more than three shillings per day in his account, for his own trouble and time expended therein. And if any fence viewer, when notified, shall neglect his duty herein, he shall forfeit forty shillings for every offence.

III. *And be it further enacted*, That no swine shall be permitted to go at large within the streets, lanes or suburbs of Halifax: and it shall and may be lawful for the hogreaves so often as they shall find any swine going at large within the streets, lanes and suburbs of the said town, to impound them, and as soon as may be, cause the same to be publicly cried, for which he shall be paid two shillings and six pence per head, and three pence per day for supporting each swine, whilst impounded; and if the owner thereof doth not appear, or refuses, within three days, to claim the said swine, and pay the charges, that then the hogreaves are hereby authorised to sell such swine at public auction, and after deducting all charges, the overplus shall be paid to the owner when demanded.

IV. *And be it further enacted*, That the surveyors of highways by this Act appointed, shall have the care and supervisal of all the streets, lanes, and highways of the town and suburbs of Halifax, and are hereby empowered to prevent the same from being obstructed or incumbered; and they are hereby required to present all nuisances in the said streets, lanes, and highways, within the limits above-mentioned, at the next General Quarter Sessions of the Peace, which is hereby empowered to proceed against such offences according to the laws of England in such cases made and provided.

V. *And be it further enacted*, That the Committee of the General Assembly, to be appointed for that end, shall, and are hereby empowered, to nominate four suitable overseers of the poor, two persons for clerks of the market, two persons for fence viewers, two persons for hogreaves, and four persons for surveyors of highways, to serve for the town of Halifax, till the sessions of the Supreme Court, Court of Assize and General Goal delivery, to be held in October next, at which time the Grand Jury of said Court are hereby empowered to choose other meet persons to serve in their room, and so from year to year; and the said persons, so nominated or chosen, shall be sworn, to the faithful discharge of the duty of their several offices; and the person or persons who shall refuse to serve in the said offices, to which they are respectively nominated or chosen as aforesaid, shall forfeit and pay the sum of forty shillings each, and the said Committee or Grand Jury are hereby authorised to nominate or choose other persons to serve in their stead.

Hogreaves to take up swine, going about the streets and impound and cry them

To be sold if not owned in 3 days

Surveyors of highways to have the care of the streets &c. at Halifax

N. B. The part of this clause which obliges the proprietors to repair the street in front of their land is not reprinted, not being now in force.

Town officers to be appointed by a committee of the General Assembly, to serve to next Supreme Court, when the Grand Jury shall appoint others, and so on annually.

Persons refusing to serve forfeit 40s.

C A P. XV.

An ACT for making Lands and Tenements liable to the Payment of Debts.

BE it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, when any person or persons shall recover judgment in any of his Majesty's Courts of Record within this Province, for any sum or sums of money, or for costs of suit, and the person or persons against whom judgment shall be recovered, shall be either unwilling or unable to satisfy such judgment by money or otherwise, or sufficient Personal Estate, whereon to levy Execution on such judgment, shall not be found, then, and in such case, execution shall and may

Acts which alter or amend this Act.

Act, 32d. Geo. 2d. cap. 11. sec. 19, 34th Geo. 2d. cap. 5. 3d. and 4th Geo. 3d. cap. 5. sec. 7. 3d. and 4th Geo. 3d. cap. 8. 13th and 14th Geo. 3d. cap. 4.

Execution upon judgments, to be

may