

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 entering more than one mark of the same description

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 authorised 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 Jail 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.

Penalty for entering or counterfeiting Brand mark

*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 Fences 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 :

Preamble

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 judgment, 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 for the Poor, of the Township or place where the offence shall be committed.

Owners of lands adjoining Common must repair fence

Fence viewers may cause fences to be repaired

Proviso