

## C A P. III.

An ACT in further Amendment of an Act, made in the First Year of his present Majesty's Reign, intituled, *An Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province.*

1 Geo. 3. cap. 14.  
5 ————— 2.

Preamble.

◆◆◆◆ *HEREAS in the second Section of an Act, made in the*  
◆ *W* ◆ *first Year of his present Majesty, intituled, an Act for re-*  
◆◆◆◆ *pairing and mending Highways, Roads, Bridges and*  
*Streets, and for appointing Surveyors of Highways within the se-*  
*veral Townships in this Province; certain Forfeitures are directed*  
*to be paid by such Persons as shall neglect to attend on their Duty*  
*in Manner therein set forth, for the Repairs of the Highways,*  
*Roads, Streets or Bridges, which said Forfeitures are directed to*  
*be recovered by warrant of Distress from one of his Majesty's Jus-*  
*tices of the Peace; and whereas it is thought more expedient that*  
*such Forfeitures should be recovered as Actions of Debt or Trespass*  
*are recoverable according to the Value thereof:*

All forfeitures for neglect to attend for repairing and mending Highways &c. to be recovered as Debts are before one or more Justices.

**I. Be it Enacted, by the Governor, Council and Assembly,** That all such Forfeitures as aforesaid, shall be sued for by the Surveyors of Highways in like manner as Debts of the like Value are sued for, and recovered before one or more Justices, any Thing in the said afore-recited Act to the contrary notwithstanding.

**II. And whereas it is a great Hardship on poor labouring Men and other poor Persons to be obliged to labour at said Highways, Roads and Streets, during the whole of the Six Days appointed by the afore-recited Act,**

Two Justices may lessen number of days labour by poor Persons.

**Be it Enacted,** That upon Application to two of his Majesty's Justices of the Peace, the said Justices shall, and may in their Discretion lessen the Number of Days Labour to be performed by such Men as cannot without Detriment to their Families attend the same.

Persons who keep Carts, &c. tho' exempted from labouring by age to send their Carts, &c.

**III. And be it also Enacted,** That all Persons keeping Carts, Teams, and Trucks, who by being Sixty Years Old or upwards, are exempted from labouring themselves on the said Highways or Roads, shall nevertheless send their Carts, Teams or Trucks, to assist in making or repairing the same.

**IV. And**

IV. And be it also further Enacted, That any one of His Majesty's Justices of the Peace, shall and may on his own View, or on the Oath of one credible Witness, impose a Fine, not exceeding Twenty Shillings, on any Person who shall encumber or stop up the way in any of the Roads or Streets in this Province, by laying Timber, Wood, Carts, Trucks or any other thing thereon, to be recovered by Warrant of Distress and Sale of the Offenders Goods and Chattels, or in Case such Offender shall not be known or found, the same shall be recovered by Sale of so much of the Timber or Wood, and the Carts, Trucks or other thing encumbering or stopping the Way in such Road or Street as aforesaid, and be paid to the Overseers of the Poor for the Use of the Poor of the Town or Place where, or nearest the Place where the Offence shall be committed, rendering the overplus, if any be, to the Owner when found. And if the said Nuisance shall continue, the same shall be deemed a new Offence, and shall be prosecuted, and liable to the Penalty aforesaid.

Penalty for encumbering or stopping Roads or Streets.

#### C A P. IV.

An A C T to further explain and amend an Act made in the Thirty Second Year of his late Majesty's Reign, intituled, *An Act for making Lands and Tenements liable to the Payment of Debts.*

\*\*\*\*\* *HEREAS* in the First Section of an Act made in the  
 \* W \* *Thirty Second Year of his late Majesty's Reign, intituled,*  
 \* \* \* \* \* An Act for making Lands and Tenements liable to the  
 Payment of Debts; *It is among other things Enacted,* " That  
 " when any Estate shall be found by the Appraisers to be of  
 " greater Value than the Debt and Cost, the Creditor or Creditors  
 " shall be obliged at the Expiration of Thirty Days next after  
 " the End of the said two Years, (if not sooner redeemed) to  
 " give public Notice by Advertisement, that the Lands or Tenements  
 " so extended, are to be sold at public Auction by the Provost  
 " Marshal or his Deputy." And *Whereas Doubts have arisen*  
*in what Manner Notice of such intended Sale should be given,*  
**It is hereby Declared and Enacted, by the Governor,**  
**Council and Assembly,** That it is the Intention of the Legis-  
 lature, that Notice of any Sale intended to be made by the Pro-  
 vost Marshal or his Deputy as aforesaid shall be published in the  
 Nova-Scotia Gazette or other public News-Paper, and in some  
 public Place in the Township or other Place where the Lands lie,  
 at least three several Times during three Months before such Sale.

Preamble.

Notice of Sale of  
 Lands by Provost  
 Marshal to be in  
 Nova-Scotia-Ga-  
 zette or other News-  
 Paper and posted  
 up in or near Place  
 where Lands lie.