

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Sixth Day of June, 1770, in the Tenth Year of the Reign of Our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and there continued by several Prorogations until the Twelfth day of October, 1773, in the Thirteenth Year of His said Majesty's Reign, being the Fifth General-Assembly convened in the said Province.

13 George III – Chapter 3 (Session 2)

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."

Whereas in the second section of an act, made in the first year of his present Majesty, 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;" 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 justices 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:

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,

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.

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 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 or 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 ways in such road or streets 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.