

At the GENERAL ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at HALIFAX, on the Fifth Day of December, 1785, in the Twenty Eight 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 unto the Twenty Fifth Day of October, 1787, in the Twenty Eighth Year of his Majesty's Reign, being the Third Session of the Sixth *General Assembly*, convened in the said Province.

## C A P. I.

An ACT to raise a Sum of Money to repair the Public Road leading from *Halifax* to *Windsor*, and to cause the Proprietors of Lands on each Side said Road to settle the same more expeditiously ;

\*\*\*\*\* HERE AS the making and repairing the public Road from  
 \* W \* Halifax to Windsor has been attended with very heavy and  
 \* \* \* \* \* great Expence to the Public; and whereas the Owners of  
 \* \* \* \* \* Lands on each Side of said Road suffering the same to lie un-  
 settled, tends much to increase the public Charge for repairing said Road,  
 for Remedy whereof;

Preamble.

I. Be it Enacted, by the Lieutenant Governor, Council and Assembly, That from and after the First Day of May, which will be in the Year of our Lord One Thousand Seven Hundred and Eighty Eight, every Person or Persons, who now is, or hereafter shall be Owner or Owners, Proprietor or Proprietors of any Lot or Tract of Land, between the Bridge commonly called *Sackville Bridge*, on the said *Windsor Road*, and the Place commonly called the *Three Mile Plain*, on the said Road, which Lot or Tract of Land shall extend one Quarter of a Mile on either Side of said Road, and on which there shall be no House built and Family resident, he, she or they shall pay or cause to be paid to His Majesty, His Heirs or Successors, a yearly Tax or Rate of Three Pounds for each and every such unsettled Lot or Lots containing one

Owners of Land on the *Windsor Road* to pay for each unsettled Lot of  $\frac{1}{4}$  Mile Front £3. yearly.

Quarter of a Mile in front as aforesaid, which he, she or they shall own or possess there, and so in Proportion for every unsettled Lot containing a less Extent of Front than one Quarter of a Mile on said Road.

Provide in Favor of such as have built a House there.

To hire a Labourer six Days for each Lot agreeable to the Directions of the Commissioners in lieu of the Tax.

II. *Provided always*, That any Person or Persons who at the passing of this Act, shall *bona fide* own any Tract or Tracts of Land on said Road of a more extended Front than one Quarter of a Mile, and who has built and made habitable, or shall within one Year from the passing of this Act, build and make habitable one good and sufficient Dwelling House on his Land, and shall also hire or provide one good and able Man to work and labour on said Road at the Rate of six Days Work for each and every Tract of Land extending One Quarter of a Mile in Front, which he or they may own on said Road, and so in Proportion for any less Quantity, and shall also open and clear so much of the Front of his Land as the said Commissioners shall from Time to Time direct to be done, and conform in all Respects to such Orders and Regulations for the Benefit of said Road as the said Commissioners under the Authority of this Act, shall and may make and establish, such Person and Persons shall not be liable to the said Rate or Tax, but shall be freed and exempted therefrom, any Thing herein contained to the contrary in any Wise notwithstanding.

Persons making a Settlement and quitting or abandoning it before ten Acres of Land cleared, to pay the Rate.

III. *And be it further Enacted*, by the Authority aforesaid, That if any Person or Persons shall cause a Settlement to be made on any Lot or Piece of Land on said Road for the Purpose only of securing the same from paying said Rate or Tax, and shall afterwards suffer or cause the said Settlement to be abandoned and forsaken before Ten Acres on said Lot shall be cleared and cultivated, such Person or Persons shall pay the said Rate or Tax for the same, at the Rate of Three Pounds yearly, such Rate or Tax to be computed from the Day such Settlement shall be so abandoned, until the Day the same shall be resumed again, and also to be computed according to the Front of each Lot at the Rate of Three Pounds for each Quarter of a Mile Front.

Governor or Commander in Chief to appoint Commissioners who are to appoint Collectors of the Tax.

IV. *And be it further Enacted*, by the Authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to appoint three or more Persons annually to be Commissioners for the Purpose of executing this Act, and it shall and may be lawful for said Commissioners to appoint one or more fit and proper Person or Persons as Collectors of said Rate or Tax, and to remove said Collector or Collectors from his or their Office at Pleasure, and call said Collector or Collectors to an Account for the Money or Monies by them collected by Virtue of this Act, and to cause such Money or Monies as shall be so collected after defraying the reasonable Expences of collecting the same to be faithfully expended in the repairing such Part of the said Road to *Windsor*, as shall be most in Need thereof, and such Commissioners shall and are hereby bound to render a faithful Account of their Doings by Virtue of this Act

Act to the *General Assembly*, at their respective Sessions, and it shall and may be lawful for said Commissioners to nominate to the Sessions of the Peace for the Counties of *Halifax* and *Hants*, so many fit and proper Persons as they the said Commissioners shall think necessary, who shall be appointed Overseers of the Highway between the said *Sackville Bridge*, and the said *Three Mile Plain* by said Sessions of the Peace, and said Overseers after being so appointed shall have full Power and Authority to execute all the Laws heretofore in Force, relative to the Repair of Highways in as full and ample a Manner as if such Person or Persons had been appointed Overseers in the Manner and Form heretofore usual and customary.

Commissioners to nominate Overseers of said Road to be appointed by the Court of Sessions.

V. *And be it further Enacted, by the Authority aforesaid*, That out of the Monies first raised or collected by this Act, the said Commissioners shall and may appropriate for paying the Expences of making an accurate Survey of the Road a Sum not exceeding Twenty Pounds, and that a Poundage of *Seven and a half per Centum*, and no more shall be allowed and paid by said Commissioners to the Persons employed by them in the Execution of this Act, either as Collectors or Overseers of said Road in such Proportions as they may judge proper.

Commissioners to appropriate £20. for making a Survey.

$7\frac{1}{2}$  per Cent allowed to Collectors or Overseers of said Road.

VI. *And be it further Enacted, by the Authority aforesaid*, That if any Person or Persons having or owning any unsettled Lot or Lots of Land or Lands on said *Windsor Road*, between the said *Sackville Bridge* and the said *Three Mile Plain*, and who shall neglect to settle the same in the Manner herein before mentioned, or to pay the said Rate or Tax of three Pounds yearly for every Quarter of a Mile Front, and so in Proportion for a Lot of less Front, it shall and may be lawful for such Commissioners or any two of them, when one Year's Tax or Rate shall become due and owing by any Person or Persons for, or on Account of any unsettled Lot or Piece of Land on said Road, to advertize in the public News Papers of *Halifax*, so much of such Lot or Tract of Land as shall be required for the Payment of the said Rate or Tax together with the Charges of such Sale at some convenient Place in the Town of *Halifax*, and after advertising the same weekly during six Weeks, in at least two News Papers, if no Person appears to pay off and discharge the said Rate or Tax together with the Expence of advertising, then it shall and may be lawful for said Commissioners to set up and sell at Public Auction to the highest Bidder, so much of such Lot or Piece or Parcel of Land as aforesaid, and to execute to such Purchaser or Purchasers a Deed of Bargain and Sale for the Purpose of conveying to him, his Heirs and Assigns, a good and sufficient Estate in Fee Simple therein, and every Part thereof, and such Purchaser or Purchasers Tittle, in and to the Lands so conveyed to him, shall be good and sufficient in Law, notwithstanding any Defect in the Form thereof.

Commissioners empowered to sell the unsettled Lots of such Proprietors as neglect to pay the Tax.

And to make Deeds to the Purchasers.

VII. *And be it further Enacted, by the Authority aforefaid, That it shall and may be lawful for the faid Commissioners to order and direct where on faid Road the Highway Work of the Inhabitants thereof shall be expended, and the Overseers of the Highways to be appointed as aforefaid, shall follow fuch Orders and Directions as they shall from Time to Time receive from the faid Commissioners, relative to the expending the Highway Labour of the Inhabitants, and in Cafe the faid Road shall be obftruded, either by the Passage of Water, the breaking or carrying away of Bridges, or any other Accident, it shall and may be lawful for the Overseers, or one of them, to call on the neareft Inhabitants to mend or repair the fame, although fuch Inhabitants may have worked their Highway Work for that Year, and fuch Inhabitants fo called on by any of the faid Overseers shall obey them and perform fuch as shall be fo neceffary to be done, under the fame Penalties that fuch Inhabitants would be liable to in Cafe of Neglect or Refusal to work their Six Day's Work as by Law directed. *Provided nevertbelefs,* that fuch Person or Persons as shall fo work Extra Work, shall not be called on for more than fix Day's Work, and shall have Credit for the fame in the Highway Work for the next Year.*

Overseers to call on Inhabitants to repair Bridges if carried away, and Persons working on fuch call to work only fix Days and to have Credit on the Highway Work for the next Year.

Commissioners to order Fences or any Incroachment on the Road to be removed.

Inhabitants to clear and open the Road on each Side as directed.

Persons transgressing againft Commissioners orders to pay 20s,

Also fuch as incumber the Road or Sackville Bridge.

If unable to pay to work on the Road.

VIII. *And be it further Enacted, by the Authority aforefaid, That two or more of faid Commissioners shall from Time to Time make Orders for the Removal of fuch Fences, Obftructions and other Incroachments, as are or may be erected, placed or put on faid Road or any Part thereof, including the faid Bridge at Sackville, and shall order each Inhabitant to clear yearly fo much of the Front of his Land as shall be confidered by faid Commissioners may be done by fuch Inhabitant or Inhabitants without material Injury, fo as fully to open faid Road on both Sides thereof, and fuch Orders as the faid Commissioners shall from Time to Time make for the general Regulation of faid Road shall be posted up in Writing in the moft public Parts of faid Road, and any Person or Persons who shall transgress faid Orders or any of them, shall forfeit and pay the Sum of Twenty Shillings on Conviction before two or more of His Majesty's Juftices of the Peace, the fame to be laid out and expended on the Repairs of faid Road, and if any Person or Persons shall incumber the faid Road or any Part thereof, or any of the Bridges thereon, including the faid Bridge at Sackville, with Timber, Stones, Carriages, or any other Matter or Thing whatsoever, fuch Person or Persons shall forfeit and pay each, the Sum of Twenty Shillings for each and every Offence, the fame to be recovered and expended as aforefaid, and in Cafe the Person or Persons fo convicted of obftructing and incumbering faid Road shall be unable or unwilling immediately to pay the faid Penalty of Twenty Shillings, it shall and may be lawful for the faid Juftices to order fuch Person or Persons to labour on faid Road for fo many Days as shall be deemed adequate to fuch Offence, by the Juftices before whom fuch Conviction shall be had.*

IX. *And be it further Enacted, by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons whatſoever appointed by ſaid Commiſſioners to take and carry away and to convert to ſuch Uſe or Uſes as ſaid Commiſſioners may direct any Cord Wood, Bark, Timber or Rubbiſh of any Kinds whatſoever, which he or they ſhall find at any Time whatſoever placed or put upon the Bridge, commonly called Sackville Bridge, or within Twenty Feet of the Abuttments thereof on both Sides, and if any Perſon or Perſons whatever ſhall bring any Boat or Veſſel of any Kind whatſoever to the ſaid Bridge for the Purpoſe of loading or unloading Goods of any Kind whatſoever, and ſhall make ſaid Boat or Veſſel faſt to ſaid Bridge or any Part thereof, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Five Pounds to any Perſon or Perſons, who will proſecute, and ſue for the ſame, before any two of His Maſteſty's Juſtices of the Peace, who may grant a Warrant to commit the Body of the Perſon ſo convicted, or to levy the Penalty on ſuch Offender's Goods or Chattels, or on the Boat or Veſſel being his Property ſo made faſt as aforeſaid.*

Perſons appointed by the Commiſſioners may ſeize Cord Wood or Rubbiſh found on Sackville Bridge or within 20 Feet of the Abuttments.

Perſons bringing Boats or Veſſels and making ſame faſt to the Bridge, to forfeit £5.

X. *And be it further Enacted, by the Authority aforeſaid, That all Perſons now ſettled on the ſaid Road to Windſor, between the ſaid Bridge of Sackville and the ſaid Three Mile Plain, or who ſhall hereafter ſettle on the ſaid Road, ſhall for and during the Space of three Years to be computed from the Publication hereof be exempted and freed of and from all County and Poor Rates whatſoever (Highway Work only excepted) and ſhall and for the Space aforeſaid be freed from ſerving as Grand or Petit Jurors, and ſuch Perſons as ſhall be appointed Conſtables on ſaid Road ſhall not be compelled to attend His Maſteſty's Supreme Court or Courts of Sessions, unleſs ſpecially ſummoned for that Purpoſe.*

Perſons ſettled on the Road exempted for three Years from County and Poor Rates, and alſo from ſerving on Juries or attending as Conſtables unleſs ſpecially ſummoned.

XI. *And be it further Enacted, That this Act ſhall continue in Force, until the Thirty Firſt Day of March, One Thouſand Seven Hundred and Ninety.*

Act to continue to March 1790.

C A P. II.

An ACT for continuing in Force the ſeveral Acts herein after mentioned.

\*\*\*\*\* HERE AS the ſeveral Acts or Laws of this Province herein  
 \* W \* after mentioned are near expiring, and it is expedient that the  
 \* \* \* \* \* ſame ſhould be further continued ;  
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Preamble.

I. *Be it therefore Enacted by the Lieutenant Governor, Council and Aſſembly, That the Act made in the fifth Year of His Maſteſty's Reign, intituled, An Act for the ſummary Trial of Actions and the Acts in Addition thereto and Amendment thereof; Alſo the Act made in the ſixth Year of*

Act for ſummary Trial of Actions.