

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Wednesday the first day of July, 1761, and in the first year of His Majesty's Reign.

1 George III – Chapter 14

An Act for the Repairing and mending Highways, Roads, Bridges, and Streets, and for appointing Surveyors of Highways, within the several Townships in this Province.

Be it enacted by the Honourable the Commander in Chief, the Council, and Assembly, that the Grand Juries at the General Quarter Sessions of the Peace, held for the several counties, next after the first of January, shall annually elect, nominate, and choose two discreet and fit persons to be surveyors of highways for each town in the respective counties, who shall be sworn to the faithful discharge of their office for the year ensuing, before the said sessions or before any one of the Justices of the Peace within or nearest to the said Town, for which such surveyors shall be chosen; and any person being so nominated and chosen, who shall refuse to accept of the said office, or shall neglect to be sworn as aforesaid, within fourteen days next after such nomination, or having accepted, shall neglect his duty, shall forfeit for every refusal or neglect, five pounds, to be recovered by bill, plaint, or information, in any of his Majesty's Courts of Record; and the forfeiture shall be applied for the repairing of the highways.

And be it further enacted, that every person within each township, keeping any cart, team, or truck, shall lend on every day appointed by the said surveyor of highways, one cart or team, or truck, with two oxen or two horses, and one able man to drive the same, for four days in every year, to work on the highways, roads, streets, or bridges, allowing eight hours to each days work; and such person not attending or neglecting to perform the said duty, shall forfeit for every days neglect, ten shillings; and that every other house holder or labourer, not being an hired servant for a year, shall, on every day appointed as aforesaid, either by himself or other sufficient person to be hired by him, provided with such necessary implements as shall be directed by the said surveyor, work for the space of six days in every year, on the said highways, roads, streets, or bridges, within the township where they respectively dwell; and such persons not attending or neglecting to perform the said duty, shall forfeit three shillings for every days neglect; and any one of the Justices of the Peace within the county where the offence is committed, is hereby empowered, on complaint made to him by the said surveyor of highways, to summon the person so neglecting, and upon his non appearance, refusal or neglect to pay the forfeiture, shall levy the same by Warrant of Distress; and the money so levied shall be immediately paid into the hands of the surveyor for the repairs of the highways.

And be it further enacted, that the constables of the several townships in this Province, shall make out a lift of all such persons who are owners of teams, carts, or trucks, as also of every other housholder and labourer, within their respective townships; and shall in writing (making an equal division) let out to the surveyors of highways, the several roads, highways, and streets, on which each of them shall respectively labour; and deliver also a lift, signed by

them, of such persons as shall live within the district wherein such highways, roads, or streets, are allotted to each of them, to be employed by them respectively, and who accordingly shall be reputed to be the persons obliged by this Act to labour.

And be it further enacted, that the said surveyors of highways shall, and are hereby impowered, in the fitted and most seasonable time, between the first day of April, and the first day of November, yearly, (seed time and harvest only excepted) to summon the inhabitants contained in their lists respectively, giving them at least six days notice or the time and place where he proposes to employ them; and shall there oversee and order the perform so summoned, to labour in making, mending, or repairing the highways, roads, streets; and bridges, in the most useful manner, during the number of days appointed by this Act for each person to labour; and the surveyor of highways shall himself be excused from any other service on the highways, than the summoning, ordering, and directing thereof.

And whereas the labour of men may be more useful, than the employing teams, carts, or trucks, in some towns, be it therefore enacted, that when any surveyor of highways shall judge the labour of men more useful and necessary than that of carts, teams, or trucks, the persons who by this Act are to find carts, teams, or trucks, shall be obliged, under the like penalty, to send two labouring men instead thereof, furnished with necessary implements as aforesaid.

And be it further enacted, that the surveyors of highways shall, at the expiration of their office annually, account at the General Quarter Sessions of the Peace, for all the fines received by them for the use of the highways, and shall pay the overplus (if any in their hands) to their successors in the said office, for the aforesaid uses, under the like penalty as for any other neglect of office.