

*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 Sixth Year of his said Majesty's Reign, 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.*

28 George III – Chapter 13

**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.**

Whereas the making and repairing the public road from 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 unsettled, tends much to increase the public charge for repairing said road, for remedy whereof;

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 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.

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.

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.

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 expenses 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 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 fore, 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.

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.

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.

VII. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners to order and direct where on said road the highway work of the inhabitants thereof shall be expended, and the overseers of the highways to be appointed as aforesaid, shall follow such orders and directions as they shall from time to time receive from the said commissioners, relative to the expending the highway labour of the inhabitants, and in case the said road shall be obstructed, 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 nearest inhabitants to mend or repair the same, although such inhabitants may have worked their highway work for that year, and such inhabitants so called on by any of the said overseers shall obey them and perform such as shall be so necessary to be done, under the same penalties that such inhabitants would be liable to in case of neglect or refusal to work their six day's work as by law directed. Provided nevertheless, that such person or persons as shall so work extra work, shall not be called on for more than six day's work, and shall have credit for the same in the highway work for the next year.

VIII. And be it further enacted, by the authority aforesaid, that two or more of said commissioners shall from time to time make orders for the removal of such fences, obstructions and other incroachments, as are or may be erected, placed or put on said road or any part thereof, including the said bridge at Sackville, and shall order each inhabitant to clear yearly so much of the front of his land as shall be considered by said commissioners may be done by such inhabitant or inhabitants without material injury, so as fully to open said road on both sides thereof, and such orders as the said commissioners shall from time to time make for the general regulations of said road shall be posted up in writing in the most public parts of said road, and any person or persons who shall transgress said orders or any of them, shall forfeit and pay the sum of twenty shillings on conviction before two or more of his Majesty's justices of the peace, the same to be laid out and expended on the repairs of said road, and if any person or persons shall incumber the said road or any part thereof, or any of the bridges thereon, including the said bridge at Sackville, with timber, stones, carriages, or any other matter or thing whatsoever, such person or persons shall forfeit and pay each, the sum of twenty shillings for each and every offence, the same to be recovered and expended as aforesaid, and in case the person or persons so convicted of

obstructing and incumbering said road shall be unable or unwilling immediately to pay the said penalty of twenty shillings, it shall and may be lawful for the said justices to order such person or persons to labour on said road for so many days as shall be deemed adequate to such offence, by the justices before whom such 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 abutments 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 Majesty'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.

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 Majesty's supreme court of sessions, unless specially summoned for that purpose.

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.