

CAP. VIII.

For Acts in amendment or addition to this Act, see note on 1st Geo. 3d. cap. 34.

An ACT to explain, amend, and render more effectual, the several Laws of this Province, for repairing and mending Highways, Roads, Bridges and Streets.

Preamble.

WHEREAS by the third section of an Act made in the fifth year of His present Majesty's reign, entitled, An Act in addition to an Act made in the first year of His Majesty's reign, entitled, An Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several townships in this Province, it is enacted, That in case damage shall be done to any person in his land or property, by the laying out particular and private ways, recompence shall be made by the town, as the Surveyors of the highways, and the parties interested, may agree, or as shall be ordered by the Justices in Sessions, upon enquiry into the same by a Jury to be summoned for that purpose. And whereas in cases where the Surveyors of highways and parties have not agreed relating to the damages suffered, mistakes have happened in summoning the said Jury out of the town where such ways are laid out :

Damages by laying out highways, how ascertained.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That in all cases, where, either private or public highways shall be laid out and any dispute shall arise between the parties concerned, and the Surveyors of the highways, for the town where the same shall be laid out, or proposed to be laid out, relating to the damage suffered, or likely to be suffered by such parties, the same shall be determined by a Jury to be ordered by the Justices out of the next towns, who shall be sworn impartially to determine the same.

Surveyors not to alter roads or streets without consent of at least three Justices.

And whereas the Surveyors of the highways do often take upon themselves, to alter roads, and the determination of the place or part of the town where the repairs of the streets or highways shall be made, to the great injury of such town in general :

II. Be it enacted, That the Surveyors of highways shall not alter any roads or streets already laid out, nor make any repairs to the streets or highways in any town or township, but by the advice and consent of at least three Justices of the Peace.

CAP IX.

This Act repealed.

An ACT in further addition to, and amendment of an Act made in the Eleventh year of His present Majesty's reign, entitled, an Act, for altering, and amending an Act, made in the Thirty-second year of His late Majesty's Reign, entitled, an Act relating to the affize of Bread, and for ascertaining the standard of Weights and Measures.

CAP. X.

For Acts in amendment or addition to this Act see note on 3d Geo. 3d. cap. 3.

An ACT in amendment of an Act, made in the Thirty-second year of His late Majesty's reign, entitled, an Act directing the Proceedings against Forcible Entry and Detainer.

WHEREAS many inconveniences and difficulties do frequently arise to landlords for want of a speedy remedy to get possession of their houses, lands and tenements, after the expiration of the terms of tenants, who obstinately hold over :

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That upon complaint on oath made before any two Justices of the Peace, of any wrongful or unlawful holding over of any tenant, after the expiration of his term of any houses, lands, or tenements, or other possessions where such Justices reside, after possession demanded, and warning having been given to such tenant in manner as is hereafter mentioned, to remove, it shall and may be lawful for such Justices, by warrant, to cause such tenant or tenants, or other person in possession, to be arrested, and detained in custody, until he, she, or they find sufficient security for personal appearance at the next Supreme Court, there to answer such complaint.

Mode of proceeding against an illegal detainer.

II. *And be it also enacted,* That the said Supreme Court shall have power and authority to enquire by credible proof into the cause of said complaint, and if it shall be found by a Jury, then and there sworn to try the same, that a wrongful and illegal detainer and withholding of such houses, lands and tenements, has been made after demand and notice as aforesaid, then the said Supreme Court, by writ of *habere facias possessionem*, shall cause the said houses, lands and tenements, to be re-seized, and the party complaining to be again put into possession within ten days after such trial had; and more over the party grieved, shall; and by action of trespass on the case, recover treble rent, and costs of suit, against the defendant or defendants, any law, usage or custom, to the contrary notwithstanding.

The Supreme Court to enquire into the cause of detention; and, if illegal, to re-possess the owner of his property, and party grieved may recover treble rent and costs.

III. *And be it also further enacted,* That when any house or tenement shall be let by the year, three months warning shall be given, and when by the month, one month's warning, and when by the week, one week's warning shall be given to the tenant in possession.

Warning to the Tenant.

CAP. XI.

An ACT for laying a Tax upon Lands, Tenements and Hereditaments, in the Province, for a certain limited time.

Expired.

CAP. XII.

An ACT for laying an additional Duty on the Tonnage of Vessels coming into the Harbour of Halifax.

Expired.

CAP. XIII.

An ACT for regulating Carriers, and Owners of Waggons, Carts, and Trucks, employed for hire, on the Roads between Halifax, and the Townships of Windsor, Truro, Onslow and Londonderry.

Expired.