

*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 Sixth Day of June, Anno Domini 1778, in the Eighteenth Year of His Said Majesty's Reign, Being the Eleventh Session of the Fifth General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.*

18 George III – Chapter 1

**An Act for the more speedy settling the Value of such Lands, as are, or shall be wanting to erect Fortifications or other military uses.**

Whereas it may be necessary to erect fortifications for the defence of this province, and it may happen to be in such places where the lands are owned and possessed by some of His Majesty's subjects, either in their own right, or as minors, or otherwise: in order therefore, that such persons may have an adequate satisfaction, and the lands be properly vested in the crown:

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that when the commander in Chief of His Majesty's troops here shall judge it necessary that certain lands should be made use of to erect fortifications, or other military uses, and when the Commander in Chief aforesaid, or in case of his neglect the proprietor of the lands shall make application to the Governor, Lieutenant-Governor, or Commander in Chief, of this province, for the time being, who is hereby desired and authorized to appoint a special court for that purpose, that is to say, if the lands lie in the county of Halifax, to be held by the Supreme Court of this Province, and if in any other county by the inferior court of common pleas for the county where such land shall lie.

II. And be it further enacted, that such courts, upon due appointment, shall issue out their precept in the common form, directed to the Provost Marshall or his deputy, to summon a jury of twenty-four good and lawful men, freeholders, from the town or precinct nearest to which the lands shall lie, to meet at such time and place as the judges shall direct by their precept aforesaid, who shall then and there duly be sworn to estimate and appraise the same.

III. And be it enacted, that the jury thus sworn, shall view the premises so demanded, and in their verdict shall prescribe the meets and bounds, as also the quantity, to whom the lands belong, and what is the real value thereof, in distinct parcels, according to the number of proprietors, and shall return their verdict in writing, under their hands and seals, to which at least twelve shall sign their names, and such verdict being entered by order of the Judges with the clerk of the court, thence forward shall become a record of said court.

IV. And be it further enacted, that the said monies so ascertained by the said verdict, being paid to the proprietors named in said verdict, respectively, or on their refusal to accept the same such monies shall be lodged in said court for their use, or if minors or others disabled by law to receive the same, it shall be paid to their guardians or legal representatives, to be by them disposed of agreeable to the laws of this province, and the said lands shall thereupon be vested in His Majesty, his heirs and successors for ever: and such record shall be a sufficient bar in law against any action brought by any of the proprietors of such lands, their heirs or assigns, for trespass, or for recovery of the same.

V. And be it also further enacted, that all lands heretofore taken upon, up for such use, whose value has not yet been ascertained may be proceeded on agreeable to this act.

VI. And be it enacted, that if the Provost Marshal or his deputy shall refuse or neglect to summon a jury as aforesaid, he or they shall forfeit and pay the sum of twenty pounds for every such neglect, or in case any of the jury being duly summoned, shall not attend, or shall refuse to be sworn, he or they shall forfeit and pay the sum of five pounds each, for such neglect or refusal, and the judges of the said courts respectively, may order the same to be levied by warrant of distress and sale of the offender's goods.