

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, in the Thirty-Third Year of the Reign of Our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. being the First Session of the Seventh 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.

33 George III – Chapter 6

An Act in addition to, and amendment of, an Act, made in the Fifth year of the reign of His present Majesty, entitled, “An Act to enable the Inhabitants in the several Townships in this Province, (Halifax excepted) to cause any absent proprietor of lands within the same, to pay a dividend or proportion of any County or Town Charge, to be assessed according to law, and to bear their just proportion in repairing highways, roads and bridges, within the said Townships respectively.”

Whereas the act above mentioned, has been found by experience, insufficient for effecting the salutary purpose for which it was intended, and it is just and necessary to the improvement of the province, that the lands of absent proprietors should be made effectually liable to the payment of the rates and taxes assessed upon them, and of their proportion of the expence of repairing highways, roads and bridges:

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that from and after the publication of this act, when no person shall appear to pay the rates and taxes, assessed on any tract or parcel of land, or to perform his proportion of highway labour for the same, and no goods or chattels can be found on the premises, or within the county, whereon to levy an execution or distress for the payment of such rates and taxes, or the fine for the non-performance of such highway labour, the collector of all rates and taxes for the district, in which such land shall be situate, or the surveyors of highways for such district, shall report to the justices of the peace for the county, in which such district may be, in their spring session, the amount of such rates, taxes, and fines; and it shall and may be lawful for the said justices to order the clerk of the peace for the said county, to advertise to be let, such lands, for the space of three months, in the most public places, in the county and township, wherein such lands may be situated; and if no person shall be found willing to give as much for the hire of the same for one year, as the amount of the rates, taxes, and fines, as above, with reasonable charges for advertising the same, then it shall and may be lawful, upon representation for that purpose, by the said clerk, to the supreme court, for the said court in all such cases to direct a sale to be made at public auction, to the highest bidder, of so much of the delinquent's lands as shall be sufficient to pay the amount of his, or their, said rates and fines, together with the charges of such sale, and good and sufficient deed or deeds of conveyance of the land so sold, to be made and executed, by, and in the name of, such clerk of the peace respectively, reasonable means having been previously used by the said court, according to its discretion, for the ascertaining of the proprietor, and for the enabling of him

by due notice, to prevent the necessity of such sale, by satisfying the said charges and expences, with the costs attending such equity and notice as aforesaid.

Provided always, that if the rents or proceeds on the sale of such lands, shall be more than sufficient to pay and defray the amount of such rates, taxes and fines, with all reasonable costs and charges attending the rating, taxing, advertising, letting or selling, the same, the surplus shall be paid to the proprietor of such lands, or any persons duly authorized to receive the same; and if no such person shall appear to claim the same, for the space of three years, such surplus having been previously paid into the treasury of the county or district, wherein such lands may be situated, shall there remain to be applied to such public purposes as the justices of such county or district in their session shall think meet.

II. And be it further enacted, that if any collector of taxes, or surveyors of highways, shall, previous to the expiration of his office, neglect to make report in manner as herein before directed, he shall forfeit the sum of two pounds, to be applied to the relief of the poor of the township for which he shall be chosen, and if any clerk of the peace shall refuse or neglect to make such representation as is herein before directed, he shall forfeit the like sum, to be applied to the same use.