

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of February 1800, in the Fortieth Year of the Reign of our Sovereign Lord George the Third of Great-Britain, France, and Ireland, being First Session of the Eighth 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.

40 George III – Chapter 1

An Act in addition to, and amendment of, an Act, made and passed in the First year of His present Majesty's reign, entitled, "An Act for the repairing and mending Highways, Roads, Bridges and Streets; and for appointing Surveyors of Highways within the several Townships of this Province."

Be it enacted, by the Lieutenant-Governor, Council and Assembly, that when and so often as any commissioner, or commissioners, for superintending the making or repairing of roads and bridges, shall judge it necessary, for the convenience of the public, to make, alter or enlarge, any highway or road through the enclosed, and improved, lands or grounds of any person or persons, before such commissioners, shall proceed therein, he or they shall cause a plan of such new road, or alteration, to be drawn out, and laid before two of His Majesty's justices of the peace for the county or district within which such new road, or alteration, is to be made; and such Justices shall and may thereupon order the clerk of the peace, for the county or district, to summon a special sessions of the peace, to be held within ten days from the issuing of such summons, and the said two justices shall lay the said plan before the said sessions for inspection: and if the justices then present at such sessions, being three at the least, or the major part of them, shall approve of such new road, or alteration, they shall then and there order a precept to be issued to the sheriff of such county or district, or his deputy, directing him to summon a jury of freeholders from one or more of the neighbouring townships, lying most convenient to the place where such road, or alteration, is to be made, and such jury shall be composed of persons having no interest in, or claim to, the lands through which such road, or alteration, is to be made, and not of kin to any of the parties having an interest or claim to such lands: and the said jury, being impannelled, shall be sworn by the said sheriff, or his deputy, to view the lands through which the said highway or roads to be made or altered, and to lay the same out in such way as will be most advantageous to the public, and least prejudicial to the owner of such lands, and to assess such damages to the owner or owners, and tenant or tenants, of such lands, according to their several interests, as the said jury shall think reasonable for the value of the lands and improvements made on such lands to be taken into such highway, as also for the expence to be imposed upon the owner or tenant for making fences or ditches on the side of such highway.

II. And be it further enacted, that if it should be found necessary to carry any such new road through waste and unimproved lands, and the owner, or proprietor thereof shall suffer, thereby, any special damage, he shall be entitled to have such damage ascertained, and be

compenced therefor, in manner herein before directed, in the case of enclosed and improved lands.

III. And be it further enacted, that the verdict of the said jury, shall be returned forthwith by the sheriff, or his deputy, to the clerk of the peace for such county, or district, who shall, thereupon, send notice to their respective owners, and tenants, of the nature, and course, of the road to be made, or altered, through their lands, and of the recompence awarded them by the jury, and also of the day appointed by said court of sessions, to consider of the said verdict, and if on such day no reasonable cause be shewn to said court, why the said verdict should not be confirmed, the said court shall confirm, and record, the said verdict, and the road, or highway, shall be made, or altered, accordingly, and thenceforth become a public road, or highway, for all His Majesty's subjects.

IV. And be it further enacted, that it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to grant his warrant upon the treasurer of the province, in favour of the person or persons who shall have obtained a verdict of a jury in manner aforesaid, for the sums awarded, in recompence of any lands so required, and taken, for a public road, or highway; and also for so much money as shall be sufficient to pay the lawful fees of the sheriff, and the jury, so employed about such valuation.

V. And be it further enacted, that if any owner, or tenant, of any lands, through which any road, or highway, shall be directed to be made or altered as aforesaid, or any other person or persons whatsoever, shall molest, interrupt, or disturb, any such commissioner, or commissioners, or any person or persons employed by him, or them, in making, altering, or enlarging, any such public road, or highway, after verdict given, and confirmed, for the same as aforesaid, the person or persons so offending, shall and may be prosecuted, and punished for every such offence, as and for a misdemeanor.

VI. And be it further enacted, that if any of the jury, duly summoned by the sheriff, or his deputy, for the purposes aforesaid, shall neglect to attend, or refuse to be sworn to perform the duties required by this act, every such juror shall forfeit and pay for such neglect or refusal the sum of twenty shillings: to be levied by warrant of distress and sale of the offender's goods, on conviction of such offence, before any two magistrates of the county or district wherein the offender shall be resident: and the sheriff, or his deputy, shall summon others in the place of those who may neglect to attend, until such jury shall be completed to the number of twelve.