

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of February, Anno Domini, 1800, and continued by several Prorogations to Thursday the Twenty-Eighth day of November, 1805; in the Forty-sixth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom of Great-Britain, and Ireland, King, Defender of the Faith, &c. being the Sixth Session of the Eighth General Assembly, convened in the said Province.

46 George III – Chapter 11

An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.

Be it enacted by the Lieutenant-Governor, Council and Assembly, that it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, by and with the advice of His Majesty's Council, some time between the first day of January and the twentieth day of March, annually, to nominate and appoint fit and proper persons, being resident freeholders in the county or district where the money is to be expended, to act as commissioners for directing and superintending the expenditure of all such sums of money as have been or may be granted for the purpose of building, making, or repairing roads and bridges, in the different counties and districts of the province: and it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, at pleasure, to remove all or any of the said commissioners, and to appoint, from time to time, others in their place. And the secretary of the province shall furnish to the treasurer of the province, a list of the names of such commissioners, and of the particular sums of money for which each person, acting as a commissioner, shall be appointed to direct the expenditure of; and, also, due notice of all alterations that may be made in the said commissioners; and shall, also, immediately after such appointments take place, transmit notice thereof to the persons appointed, and shall within twenty days after such appointments, have the commissions for such commissioners, and the bonds to be entered into ready for execution.

II. And be it further enacted, that each and every commissioner, so to be appointed as aforesaid, shall, before he enters upon the duties of the said office, give good and sufficient security, to the satisfaction of any three justices of the peace for the county or district where such commissioners may be appointed, as the Governor, Lieutenant-Governor or Commander in Chief, for the time being, may appoint to approve of such surety, in double the amount of the sum to be expended under his direction, that he will faithfully account for such sum according to law. And each and every commissioner shall, in all cases whatever, be entitled to receive an allowance of, and at the rate of, five per cent on the money so to be expended and accounted for, which said sum shall be allowed in their accounts accordingly.

III. And be it further enacted, that each and every commissioner, so to be appointed as aforesaid, having given security as herein before directed, shall be entitled to receive a warrant on the treasury for the whole sum to be expended. And it shall and may be lawful

for the treasurer to retain in his hands one third of the amount of such warrant where the work is to be done by day's work, until one half the work is done and certified by the commissioner; and in case of contract, until the whole work is completed, approved, and certified, according to contract.

IV. And be it further enacted, that it shall be obligatory on commissioners to prefer contract generally, for the making or repairing such bridge or bridges, and road work, to which they may be respectively appointed the commissioner; and in all cases of expenditure by day's work, the wages of all persons so to be employed, shall be paid weekly, and in cash. And that in all instances where a bridge or bridges are to be erected over any navigable river, the commissioner shall not proceed to the building of such bridge or bridges, until the inspectors hereafter to be appointed shall have pointed out the most eligible spot.

V. And be it further enacted, that when contracts shall be judged necessary to be entered into, due notice thereof shall be given by the said commissioners, by posting up advertisements of at least ten days in the places usual for public notices within the county, township or district; and copies of all contracts, without unnecessary delay, shall be transmitted by the commissioners to the secretary of the province. Provided always, that the said commissioners shall require and receive sufficient security from the contractor, or contractors, for the performance of such contract within the time therein specified, and in all respects conformable to the true intent and meaning thereof. And the said commissioners shall pay and satisfy to such contractor from time to time as the work shall be proceeded in, monies on account, until two third parts of the sum contracted for shall have been paid and satisfied; but it shall not be lawful to pay the remaining third part until the whole work is completed, and finished in a workmanlike manner, agreeably to contract, and certified as such by the said inspectors.

VI. And be it further enacted, that all contracts to be entered into by virtue of this act, shall be made to expire on or before the last day of October, in each year in which such contract shall be entered into.

VII. And be it further enacted, that the commissioners appointed under this act, shall respectively account for all monies to be paid to them, as aforesaid, in manner following, that is to say, in forty days after the bridge or road work, for which such commissioner has been appointed, shall be completed, he shall transmit to the secretary of the province an exact account of his expenditures, accompanied with the necessary vouchers, in order that the same may be examined, audited, and entered, previous to the same being laid before a committee of His Majesty's council, and the house of assembly, to be finally approved and passed.

VIII. And be it further enacted, that in each and every county and district in this province, the justices of the peace in the first general quarter sessions of the peace, which shall be held after the publication of this act, or in a special sessions to be held for the purpose in the spring of the year, in each county, or district, are thereby authorized severally to appoint

three or more fit and proper persons in each county, township and district, in the province, to act as inspectors of all road work, and bridges, made, built or repaired, at the public expence within the county, township or district, for which such inspectors shall be respectively appointed; and the said justices, at any general or special sessions, may fill any vacancy which may happen in the inspectors, by the death, removal, or refusal to act, of any of the inspectors so to be appointed as aforesaid; which said inspectors, so to be appointed as aforesaid, shall be authorized as often as they, or a majority of them, shall see necessary, or that they shall be thereto required by the commissioners carefully to survey, and inspect, all such work as may be carrying on, or done, by contract, or otherwise, under, and by virtue of, this act; and, immediately after the same shall have been completed, the said inspectors shall transmit to the secretary of the province, a faithful report of their examination, and opinion, of such work, to be laid before the Governor, Lieutenant-Governor, or Commander in Chief, and His Majesty's Council; a copy whereof the said inspectors shall give to the said commissioners for superintending the work.

IX. And be it further enacted, that this act shall continue, and be in force for one year, from the publication hereof, and thence to the end of the next session of the general assembly and no longer.