

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Eighteenth day of November, 1806, in the Forty-seventh 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 Firth Session of the Ninth General Assembly, convened in the said Province.

47 George III – Chapter 2

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 twentieth day of March, annually, to nominate and appoint fit and proper persons, being freeholders, to act as commissioners for directing and superintending the expenditure of such respective sums of money as have been, or may be granted, for the purpose of making, or repairing roads and bridges, in the several counties and districts of this province, wherein such commissioners shall respectively reside.

II. And be it further enacted, 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, at pleasure, to remove all or any of the said commissioners, and to appoint from time to time in their place, others, being resident freeholders as aforesaid; and the secretary of the province, shall furnish the treasurer of the province, with a list of the names of such commissioners, and the sums of money to be by them expended respectively; and also, shall give due notice of all alterations made in the said commissions; and shall also, immediately after such appointments are made, 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 by them, ready for execution.

III. And be it further enacted, that the commissioners so to be appointed as aforesaid, shall, before entering upon the duties of the said office, give good and sufficient security, by bond, with two sureties, to the satisfaction of any two justices of the peace for the county or district where such respective commissioners may be appointed, in double the amount of the sum to be expended under their direction, faithfully to lay out, and account, for such sum according to law. And such justices shall certify their approbation, and the sufficiency of such sureties, upon the back of the bond, so to be entered into, by the said commissioners; and such commissioners shall be entitled to retain, and charge in their accounts, an allowance of five per cent out of the money to be expended as aforesaid.

IV. 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 done by days 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.

V. And be it further enacted, that it shall be obligatory upon the commissioners, to prefer contract, generally, for the making and repairing such roads and bridges, to which they may be respectively appointed; and in all cases where the commissioner shall judge it necessary to expend any sum of money by days work, there shall not be employed in any one day, more than twenty-five labourers to work under one commissioner; and the wages of all such persons so to be employed, shall be paid weekly, and in cash.

VI. And be it further enacted, that when contracts are intended to be entered into, due notice thereof shall be given by the said commissioner, by posting up advertisement, at least ten days, in the places usual for public notices in the county, township or district; and 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 conform to the true intent and meaning thereof; and shall transmit to the secretary of the province copies of all contracts made by such commissioners; and the said commissioner, shall pay, and satisfy, to such contractor, from time to time, as the work shall be proceeded in, monies on account, until two thirds 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 shall be completed and finished agreeable to contract, and certified as herein after directed. All which said contracts shall be made to expire, on or before the last day of October, in each year, in which such contracts shall be entered into.

VII. And be it further enacted, that before any commissioner shall be entitled to draw the remaining one third part of the money so by him to be expended, he shall procure a certificate from the justices in their sessions, and the grand jury in the county or district, in which, the said money shall have been expended, that the contract or contracts entered into, have been faithfully executed, and the money voted for such work properly laid out; which certificate, shall be lodged with the treasurer of the province, for the inspection of His Majesty's council and the house of assembly.

VIII. 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. And where any monies shall be expended by days work, such vouchers shall consist of weekly pay-bills, to be signed by the respective labourers for the monies received by them

during such week; and all such pay bills, shall be subscribed by one credible witness, before whom such payments shall be made.

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 general assembly, and no longer.