

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, in the Fifty-second 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. &c. being the First Session of the Tenth General Assembly, convened in the said Province. From Henry H. Cogswell, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: from the Sixth Session of the Eighth General Assembly, to the Fifty-Sixth year of his Majesty's Reign. John Howe and Son, 1816.*

52 George III – Chapter 2 (Session 1)

**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 fifteenth day of April, and the fifteenth day of May, 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 and repairing roads and bridges, in the several counties and districts of this province.

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 places, others, being freeholders as aforesaid: and the secretary of the province shall furnish the treasurer of the province with a list of the names of the 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 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 two third parts of the amount of such warrant, until the whole of the work is completed, approved and certified, according to law.

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 commissioners shall judge it necessary to expend any sum of money by days' work, there shall not be employed, on any one day, more than twenty-five labourers to work under one commissioner, and the wages of all such persons shall be paid 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 advertisements 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 one third part of the sum contracted for shall have been paid and satisfied, but it shall not be lawful to pay the remaining two third parts 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 September in each year in which such contract shall be entered into, and shall be in the words following:—

Articles of agreement had, made and agreed upon, this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ between A. B. commissioner for \_\_\_\_\_ of the one part, and C. D. of \_\_\_\_\_ and E. F. and G. H. of \_\_\_\_\_ as sureties, for the said C. D. of the other part, as follows, viz. — The said C. D. and the said E. F. and G. H. as his sureties, for the consideration herein after mentioned, do for themselves, their heirs, executors and administrators, covenant, promise and agree, to and with the said A. B. his executors and administrators, that he, the said C. D. his heirs, executors or administrators, shall and will, on or before the last day of August next, in good and workmanlike manner, well and sufficiently \_\_\_\_\_

In consideration whereof, the said A. B. for himself, his heirs, executors and administrators, doth hereby covenant, promise and agree, to and with the said C. D. E. F. and G. H. their executors and administrators, that he the said A. B. his heirs, executors and administrators, shall and will well and truly pay, or cause to be paid, unto the said C. D. his executors or administrators, the sum of \_\_\_\_\_ in manner following, that is to say: — one third part of the said sum of \_\_\_\_\_ from time to time as the said work shall be proceeded in, and the remaining two thirds part thereof, when the work shall be completed and finished agreeable

to this contract, and the certificate prescribed by this act shall be obtained; and for the performance of the articles and agreements aforesaid, the said parties bind and oblige themselves, their heirs, executors and administrators, each to the other, in the penal sum of \_\_\_\_\_, firmly by these presents. In witness whereof, they have hereunto interchangeably set their hands and seals, the day and year first above written.

Sealed and delivered  
in presence of

VII. And be it further enacted, that before any commissioner shall be entitled to draw the remaining two-thirds parts of the money so by him to be expended, he shall procure a certificate from three or more justices in the general or special sessions to be held for that purpose in each county or district where 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 hath been properly laid out, which certificate, together with a schedule of all contracts and accounts relative to such expenditure, shall be by the said justice transmitted to the secretary of the province, for the inspection of His Majesty's council and the house of assembly, on or before the first day of November in each and every year, which certificate shall be in the words following:

County of \_\_\_\_\_ in \_\_\_\_\_ sessions, \_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

We, \_\_\_\_\_ of His Majesty's Justices of the Peace for the said county, do hereby certify, that by the examination, on oath, of \_\_\_\_\_ credible persons, taken before us, it appears that the foregoing contract or contracts (as the case may be) hath, or have, been faithfully executed, and that the sums, respectively mentioned in said contracts (if more than one) hath, or have, been properly laid out and expended.

VIII. And be it further enacted, that, in future, no commissioner shall be allowed to take or charge in his account, for his own services, any sum of money beside his commission by law established, unless such commissioner shall have been employed superintending day labourers, in which case he shall be allowed five shillings per day, out of the money granted, for each day that he shall be employed overseeing, provided he shall have at least ten labourers at work throughout such day.

IX. And be it further enacted, that no labourer upon the roads shall be allowed or paid a greater sum than five shillings for each day's work: and no labourer shall be paid for a day's work unless he shall have diligently laboured at least ten hours each day.

X. And be it further enacted, that each and every commissioner, who shall expend money by days' work, shall, in addition to the receipts of the persons by him employed, for all monies paid, render an account thereof upon oath, in writing, in which such commissioner shall state that the account is just and true, and that the monies by him expended have been fairly and honestly applied to the purpose for which they were granted, and that he

procured the best labour in his power to procure, and at the lowest rate of wages; which oath any one of His Majesty's justices of the peace are hereby required to administer without fee or reward.

XI. And be it further enacted, that it shall and may be lawful for commissioners hereafter to be appointed, to enter into and extend contracts for the opening of new roads, and improving such as have not been used for wheel carriages, and for erecting of bridges, until the thirty-first day of October.

XII. And be it further enacted, that the court of general session, in the several counties and districts, shall have power to enquire into the expenditure of all sums of money heretofore appropriated for the service of roads and bridges which have not been accounted for, as required by any former laws made for regulating the expenditure of money on roads and bridges, and to certify the actual expenditure thereof, according to the form prescribed by this act.

XIII. And be it further enacted, that this act, and every matter and thing therein contained, shall be and remain in full force and effect, until the fifteenth day of March, which will be in the year of our Lord one thousand eight hundred and thirteen, and from thence to the end of the next session of the general assembly, and no longer.