

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Thirteenth day of February, 1813, in the Fifty-third 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 Third 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.

53 George III – Chapter 5

An Act for the improvement of the Great Roads through the Province.

Whereas it is expedient that a more effectual system should be established for the improvement of the great roads leading from the capital through the province:

- I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's council, to nominate and appoint one fit and proper person, being a substantial freeholder, and having his freehold and residence within one of the counties through which the great road passes, that leads from Sackville Bridge to Half-Way River, between Falmouth and Horton, to be supervisor of that part of the said road; and also to nominate and appoint one other fit and proper person, being also a substantial freeholder, and having his freehold and residence within the county through which the great road passes that leads from the Windsor road to M'Keen's Mill, at the entrance of the town of Truro, to be supervisor of that part of the said last mentioned road.
- II. And be it further enacted, that the said supervisors shall continue in office for the space of three years next following the date of their respective appointments, unless sooner superceded by the Lieutenant Governor, or Commander in Chief, with the advice of his Majesty's council, or removed by death, or absence; in either of which cases, the vacancy shall be filled up, from time to time, out of the same description of persons, that the office of supervisor may continue, for the space of three years from its commencement.
- III. And be it further enacted, that every supervisor, to be appointed by virtue of this act, shall give such security, for the faithful performance of the duties required of him, and for accounting, at certain stated periods, as the Lieutenant-Governor, or Commander in Chief, with the advice of His Majesty's council, shall deem fit and proper.
- IV. And be it further enacted, that the supervisors appointed under the authority of this act, shall, respectively, have the sole ordering of the repairs and alterations necessary for the completing the said roads, and keeping them at all times, during their continuance in office, in the best practicable state for the passage of men, horses, cattle, teams and carriages.

V. And be it further enacted, that it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to direct the treasurer of this province to pay into the hands of such supervisor, from time to time, out of the monies granted by the general assembly of the province for the repairs of the said roads respectively, such sum or sums as shall be necessary for the purchase of working tools, and implements, and for the payment of overseers, labourers, workmen, contracts, and necessary materials, for the making and repairing said roads.

VI. And be it further enacted, that for the expenditure of all such monies, as well as the amount of the balance in hand, and the quantity and state of the tools, implements and materials in store, the said supervisors shall, respectively, faithfully and regularly, account with the auditor of accounts, for the time being, at such periods before the sittings of the general assembly, as the said Lieutenant-Governor or Commander in Chief shall require.

VII. And be it further enacted, that at and after the expiration of forty days from the publication hereof, all logs, spars, bark, scantling, boards, planks, slabs, cord wood, hoop poles, staves, laths, fending materials and stones, rubbish and timber of any kind, which shall be found in the ditches, or track of the roads, under the direction of the said supervisors, shall be, ipso facto, forfeited; and it shall and may be lawful for the said supervisors, or either of them, without any suit or process of law whatever, to cause all articles so found, to be instantly seized, and disposed of, in such way and manner, as he or they shall think proper; and if the same shall be sold, the process of such sale shall be applied by the said supervisor or supervisors, for the repair and improvement of the said roads.

VIII. And be it further enacted, that the ordinary statute labour of all persons liable by law to work on the said roads, shall be done and performed by direction, and under the authority of the said supervisors respectively; who shall have the sole power to compel and direct the performance of the same, at such times and seasons, as to them shall respectively appear convenient and proper; and to collect and expend, as by law is provided, the fines payable by those who neglect or refuse to perform the same.

IX. And be it further enacted, that in case it be necessary or expedient for the said supervisors to go out of the said roads, to procure materials for the repair of the said roads, it shall and may be lawful for such supervisors (where from the absence or obstinacy of the owner or possessor of the soil, no agreement can be made with him) to enter with workmen, carts, carriages and horses, upon any uncultivated lands, and therefrom to dig up, take, and carry away, for the repairs of the said roads, stones or gravel, and also therefrom to cut down and carry away, trees and bushes, for logs, poles and brushwood, to repair the same roads; and the damage done thereby, shall be appraised and ascertained by the judgment of three indifferent freeholders, to be nominated by the nearest justice of the peace, for that purpose; and the sum so ascertained shall be paid or tendered by the

supervisors to the owner of the soil, if demanded, within three months from such appraisement.

X. And be it further enacted, that in case any action of trespass, or on the case, shall be brought against either of the said supervisors, by reason of any thing done by him in the execution of his office, he may plead the general issue thereto, and give this act, and the special matter in evidence, on the trial of such action.

XI. And be it further enacted, that any person or persons, who shall be convicted of wilfully hindering or interrupting a supervisor, or any of the overseers under him, in the lawful exercise of the duties incident to his or their office, shall forfeit and pay a fine to His Majesty not exceeding five pounds nor less than twenty shillings for each and every offence.

XII. And be it further enacted, that the said supervisors shall respectively be paid, for every day they shall be actually employed in superintending the repair of the said roads the sum of fifteen shillings, in lieu of commissions, for their said service, and no more; which sum shall be retained by the said supervisors out of the monies paid for the service of the said roads, from time to time, as the same shall become due to them, and be charged in their accounts respectively. Provided, that the sum so to be retained, shall not exceed the sum of one hundred pounds to either of the said supervisors in any one year.

XIII. And be it further enacted, that no overseer to be employed upon the said roads shall be allowed or paid a greater sum than seven shillings for each day's service; and that no labourer, to be employed on the said roads, shall be allowed or paid a greater sum than five shillings for each day's labour.

XIV. And be it further enacted, that all fines imposed by this act, shall be levied by warrant of distress, of the goods and chattles of the offender or offenders, upon conviction, by any two of His Majesty's justices of the peace, on the oath of one credible witness, and shall be paid to the said supervisors respectively, to be applied to the use of the said roads.