

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, 1817, in the Fifty-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. &c. being the Seventh Session of the Tenth General Assembly, convened in the said Province.

57 George III – Chapter 13

An Act to alter, amend and continue, an Act, passed in the fifty-second year of his present Majesty's reign, entitled, "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 the Act passed in the fifty-second year of his present Majesty's Reign, entitled, "An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and every part thereof, except so far as the same is herein altered, be continued, and the same is hereby continued until the eighteenth day of March, which will be in the year of our Lord one thousand eight hundred and eighteen, and from thence to the end of the next session of the General Assembly.

II. And be it further enacted, that no commissioner hereafter be appointed under and in virtue of the said Act, shall direct, or superintend, the expenditure of more than five hundred pounds in any one year, in the making and repairing of roads and bridges aforesaid.

III. And be it further enacted, that the money to be appropriated for the making and repairing of roads and bridges, shall be expended by days work, and not by contract, unless for the building or repairing of bridges or the opening of new roads, and there shall not be employed on any one day more than forty labourers to work under one commissioner, and the wages of all such persons shall be paid in cash.

IV. And be it further enacted, that for every ten labourers daily employed by any one commissioner as aforesaid, it shall be lawful for the said commissioner to employ a fit and proper person as foreman of labourers, who shall work with the said labourers, and take charge of such of them as are put under his direction; and shall work with and superintend their labour in the absence of the said commissioner.

V. And be it further enacted, that no foreman of labourers upon the roads shall be allowed or paid a greater sum than six shillings for each day's work. And no owner or owners of any team, consisting of a cart, with a suitable driver, and two horses, or four oxen, shall be allowed or paid a greater sum than twelve shillings and six pence for each day; or of any team consisting of a cart, driver, and one horse, or two oxen, shall be allowed or paid a greater sum than nine shillings for each day employed on the said roads; and no foreman of labourers, or owner or owners of any team, shall be paid for a day's work, unless the said

foreman of labourers, labourer or teams, shall have diligently laboured at least ten hours each day, and there shall be no further or other allowance for extra labour beyond the said ten hours each day.

VI. And be it further enacted, that in case it be necessary or expedient for any of the said commissioners to procure materials for the repair of the roads to which they may be appointed, it shall and may be lawful for the commissioner, 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 unfenced and uncultivated lands, and therefrom to dig up, take and carry away, for the repair of the said roads, stones or gravel, and also therefore to cut down and carry away trees, and bushes, for logs, poles and brushwood, to repair the said roads, and the damage done thereby shall be appraised and ascertained by the judgement 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 by the commissioner, to the owner of the soil, if demanded within three months from such appraisement.

VII. And be it further enacted, that in case any action shall be brought against either of the said commissioners so to be appointed as aforesaid, by reason of any thing done him in the execution of his office, as commissioner, as aforesaid, he may plead the general issue thereto, and give this Act and the special matter in evidence, on the trial of such action.

VIII. And be it further enacted, that the said commissioner or commissioners shall examine the breadth of the roads within their respective districts, and when it shall appear that any encroachments or obstructions have been made, put or placed, in or upon the same, the said commissioner or commissioners shall forthwith give notice to the owner or occupier of the land adjoining the said road, that unless the said road shall be opened and cleared to its proper breadth within thirty days, the person or persons who shall have erected or continued the obstruction, will be prosecuted as the law directs.

IX. And be it further enacted, that the said commissioners shall make an accurate return of the breadth of all such roads, and of the incumbrances thereon, to His Majesty's Supreme Court, or Court of General Sessions of the Peace for the county or district where the offence shall have been committed, at its next sitting after the appointment of such commissioner or commissioners, in order that such proceedings may be thereupon had as to the said court shall be deemed necessary and proper to carry into effect the provisions of the acts relating to highways, roads and bridges, and for preventing nuisances.

X. And be it further enacted, that no commissioner shall take any measure to alter or change the course of any road or bridge within this district under and in virtue of an act, passed in the fortieth year of his Majesty's reign, entitled, "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 of Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways, within the several Townships of this Province,'" unless

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authorised so to do by the Lieutenant-Governor, or Commander in Chief for the time being,
by and with the advice and consent of His Majesty's Council.