

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday, the Twelfth day of December, 1820, in the First year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. and ended on the Third Day of March, in the Second Year of the Reign of our Sovereign Lord George the Fourth, being the First Session of the Twelfth General Assembly, convened in the said Province. From William Hill & W. B. Bliss, The Statutes at Large, passed in the General Assemblies held in His Majesty's Province of Nova Scotia: from the Year 1817, to the year 1826, inclusive (vol. 3). Halifax: John Howe & Son, 1827.*

1 & 2 George IV – Chapter 3

**An Act to enable the Proprietors of Wilderness Lands in the Township of Truro, to open Roads through the same.**

Whereas the second division of wilderness lands in the township of Truro have been located and laid off, by partition, in several ranges east and west, in lots of one hundred acres each, with lands for roads on those several ranges, which roads are not yet opened or cut out, for want of which the said lands are of little value to the proprietors:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, that it shall and may be lawful for the proprietors of said lands to return to the justices at the first, or any future general sessions of the peace, to be held after the passing of this act, in and for the district of Colchester, the names of the proprietors of each and every of the one hundred acre lots, by them respectively owned in the said second division of wilderness land, in the said township of Truro; and when a majority of the said proprietors, named in such list, shall, by memorial in writing, signed by them, make known to the said justices, at the said next, or any subsequent, general sessions of the peace, that it is the desire of such majority to commence opening of such roads; and, in such memorial, shall express and set forth the rules and regulations which such majority desire may be pursued and followed in making such roads: and also recommend six fit and proper persons, to act as surveyors to open such roads: it shall and may be lawful for the said justices to nominate and appoint two, out of the six persons so recommended, to act as overseers and surveyors of the roads, in such wilderness lands, and the two persons so chosen and nominated, shall be sworn in like manner, and be subject to the like penalties; for not accepting or neglecting their duty, as surveyors of highways are made liable to, under, and pursuant to, an act, made and passed in the first year of His late Majesty's reign, entitled, "An Act for the repairing and mending Highways, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships of this Province;" and shall, thereby, be vested with all the powers and authority that surveyors of highways have, throughout the several towns and settlements of this province; and shall be allowed, for each and every day actually employed as surveyor of highways, in opening and improving the wilderness lands aforesaid, the sum of five shillings each per day, to be paid out of the license money, raised from licensed public houses in said township, to be allowed and approved of by the grand jurors and justices, in

sessions aforesaid; and the said justices, by an order of sessions, shall direct such overseers to proceed to open and make such roads, agreeably to the rules and regulations specified in such memorial.

Provided always, that before the said justices shall act upon such memorial, it must be made appear, to their satisfaction, that the majority of proprietors, who have signed the same, do actually own, at least, one half of the one hundred acre lots, laid out in the said second division of wilderness lands.

II. And be it further enacted, that each and every person, being the owner or owners of wilderness lands, in the township of Truro aforesaid, (called second division lands,) or that may hereafter own any of the wilderness lands aforesaid, in said township, by purchase or otherwise, shall and are hereby made liable for each one hundred acre lot, and so in proportion for every fifty acres by them respectively owned, during the continuance of this act, to labour one day in every year, between the first day of April and the first day of November, in opening and making such roads, under the direction of such overseers; such labour to be over and above what they now are, or may be, by law, subject to perform in the statute labour of said township; which additional work is to be performed by the said owner or owners, or by an able man or men to be procured by them respectively, and provided, at their expence, with suitable tools according to the work he or they may be called upon to perform; and every person or persons, being the owner or owners of second division wilderness lands in the township of Truro aforesaid, neglecting or refusing to execute or perform the said labour, shall, for each and every day's work, so neglected or refused to be performed, forfeit and pay the sum of five shillings, and in the same proportion for a less space of time; the same to be recovered by the surveyors of the highways for said second division, appointed as aforesaid, in like manner as debts of the like value are recovered, before one or more justices of the peace, or other courts having jurisdiction in the said township: the same to be applied and laid out by the surveyors in opening and improving roads and making bridges, through the second division lands aforesaid.

III. And be it further enacted, that if, on any lot of one hundred acres, of said second division lands, or any lot containing a less quantity thereof, there now is, or hereafter may be, cut down, cleared and burnt off, and made ready for a crop, five acres of the wood land belonging thereto, or a house built thereon, and a person or persons residing therein, it shall be lawful for such surveyors to excuse such person or persons so residing upon said lot, and the owner or owners thereof, from performing the labour by this act required for such lot; but it shall and may be lawful for the said surveyors to compel the person or persons residing upon such lot or lots as aforesaid, to work on such new roads for the number of days he or they are bound to labour, under and by virtue of the several statutes now in force, or that may be hereafter enacted, for the repairing of highways, bridges and streets, throughout the province; and the person or persons refusing or neglecting to perform on such new roads the statute labour required of them by law, are hereby made liable to all the fines and penalties in the said several statutes contained.

IV. And be it further enacted, that when the said surveyors shall be unable to recover, from any proprietor or proprietors of said land, the value of the labour he or they are bound to perform as aforesaid, the lands of such proprietor or proprietors shall be held charged with the same; and in case, at the end of three years, no person shall perform such labour, or pay the arrears due for the same, from such delinquent proprietor or proprietors, it shall and may be lawful for the judges who hold the supreme court in that district, upon complaint thereof made to them by the said surveyor or surveyors, at any sitting of said court, in said district, to order public notice to be given in the Royal Gazette, to such delinquent proprietor or proprietors, that unless they shall, within three months from the date of such notice, pay for the said overseers the arrears due by them respectively, together with the costs of such complaint and notice, that so much of the said lands by them respectively owned, as will be sufficient to pay their said several arrears, will be sold; and in case it shall afterwards be made appear to the said supreme court, either sitting in said district or at Halifax, that all or any of the said arrears remain due and unpaid; it shall and may be lawful for the said court to direct an order to the sheriff of the county, or his deputy, to sell at public auction, in the same manner as if taken in execution, so much or such proprietors' said wilderness land as will be sufficient to pay their said respective arrears, together with such costs of complaint, charge and expenses of the sale, and conveyance of such lands, as the said court shall tax and allow, and the said sheriff shall return his doing on such order, at the next term for the sitting of the said court, when it shall be lawful for the court to confirm the doings of the sheriff or to set the same aside, and order another sale as the case may require; and it shall be lawful for the said court, when it shall approve of such sale, to order the sheriff to execute a deed or deeds, in fee simple, to the purchaser or purchasers, which when executed, shall make, to such purchaser or purchasers, a title as good and valid in law, as if executed by the person or persons owning the same, or their heirs or assigns; and the said court shall order the sheriff to pay over the amount of the arrears so recovered to the said surveyors, to be by them expended on said roads, and, out of the residue of the proceeds of such sale, to pay such costs and charges as the said court shall have taxed and allowed.

Provided always, that no sale shall take place of the lands of any absent proprietor, until the overseers, or some one of them, which shall have been appointed under this act, shall make and file an affidavit in the supreme court, stating that the proprietors of the lots, who are residing within the province, have fully performed all the labour upon the roads, passing through the said second division of wilderness lands in the township of Truro, which by this act they are bound to perform.

V. And be it further enacted, that in each and every year, during the continuance of this act, it shall be lawful for the said justices to appoint annual successors to the overseers for such roads, and to order them to proceed in opening and making the same, pursuant to the rules and regulations which the said proprietors may, from time to time, make and set forth in their memorials to the said justices; provided that all such memorials be signed and agreed to, pursuant to the provisions contained in the first section of this act.

VI. And be it further enacted, that this act shall be and continue in force for three years, and from thence to the end of the next session of the general assembly, and no longer.