

No. 33.

An Ordinance for the Appointment of
Commissioners to Manage and Superintend
the Expenditure of the Public Revenues
and for other purposes tending to the
Public benefits and Improvements of
the Island.

Whereas it hath been judged expedient
that Commissioners be appointed to Manage & Superintend the
Expenditure of the Public Revenues of this Island and for other
purposes tending to the public benefit and Improvement
thereof. Be it therefore Ordained & Ordered by
His Honor the President, by and with the Advice and Consent
of His Majesty's Council, and by the Authority of the same, It is
hereby Ordained & Ordered, That the Governor, Lieutenant
Governor, President or Commander in Chief for the time
being, shall and may from time to time Nominate & Appoint
five fit and proper Persons to be Commissioners for Managing
and Superintending the Expenditure of the Public Revenue,
which said Commissioners so Appointed, or to be Appointed or
any three of them empowered and authorized to assemble and meet
from time to time to Consider the Necessity and public Utility
of making and repairing any Roads or Bridges, Erecting Mills
and other matters tending to the Public benefit and Improve-
ment of the Island. And to report unto, and lay the same before
the Governor, Lieutenant Governor, President or Commander in
Chief for the time being together with an Estimate of the Expences
which in their opinion, any such Road, Bridge, Mill or other
Public Improvement shall or may Cost. And

And be it further Ordained & Ordered by the Authority aforesaid, that when the Governor, Lieutenant Governor, President, or Commander in Chief, shall approve of any such Report & Estimate, and shall order any such Road, Bridge, Mill, or other public Improvement to be made, repaired, erected or done, they the said Commissioners, or any three of them, shall forthwith proceed to Comply with, and carry into immediate effect, any such Order to them directed, in such manner as to them in their Judgement and Discretion shall seem best. And

the Governor, Lieutenant Governor, President or Commander in Chief is hereby Authorised and empowered to issue and deliver unto the said Commissioners, or their Order, the full Amount of any such Estimate so approved as aforesaid, which Warrant shall specify to what particular purpose the Money is applied or to be applied. And the Treasurer aforesaid is hereby required to pay the Amount of any such Warrant or Warrants or demands to the said Commissioners, or to the Order of any three or more of them.

And be it also Ordained & Ordered by the Authority aforesaid, that when and so often as the necessity and public Utility of making any New Road shall be Reported Approved & Ordered as aforesaid, the said Commissioners shall forthwith proceed to lay out the same, and they are hereby empowered to cause the same to be laid out and made in such manner as they shall judge to be most Convenient for the public, and of least Damage to Individuals, Provided always, that when it shall be judged necessary for the public Convenience to lay out and make any such New Road or any part thereof through improved and inclosed Lands, the said Commissioners shall make a just Compensation for any Damage occasioned thereby, to the Proprietor or Proprietors or Tenant or Tenants of such Land.

And

And be it further Ordained and Ordered that
 in all cases where the Commissioners and the Proprietor or
 Tenant of such improved and inclosed Lands cannot agree
 on a just Compensation for Damages as aforesaid. The
 Chief Justice, or in his absence, the first Assistant Justice of His
 Majesty's Supreme Court, on application of any such Proprietor
 or Proprietor, Tenant or Tenants, shall forthwith Issue a Writ
 or Precept under the Seal of said Court, Commanding the
 Provost Marshal or his Deputy to enquire by the Oath of
 twelve good and lawful Men, what damage the Plaintiff
 or Plaintiffs in such Writ hath sustained, by occasion of
 making such New Road through inclosed and Improved Lands
 and to make due return of said Writ on some Day of the next
 ensuing Term of said Court, together with the Inquisition
 found as well under the hand and seal of the Provost Marshal
 or his Deputy, as under the hands and seals of the Jurors aforesaid
 of the taking of which Inquest the Plaintiff or Plaintiffs in
 such Writ, shall cause due Notice to be given in Writing to the
 said Commissioners at least eight Days before the taking thereof.
 And upon filing any such Return and Inquisition; The Chief
 or other Justices of the said Court shall four Days after such
 filing Confirm the said Inquisition; And shall order the
 Damages found therein, together with Costs of Suit (being
 duly taxed) to be paid and satisfied, Unless the said Commissioners
 shall shew sufficient cause to the contrary. Provided
 however that no Cause shall be admitted by the said Court,
 except such Causes as would be sufficient in Law to Quash
 an Inquisition found on any usual Writ of Inquiry. And
 also provided, that no Cost shall be taxed or allowed to
 the

the Plaintiff or Plaintiffs in such Cases, unless the Damages found and assessed by the Inquest aforesaid shall exceed the sum previously tendered by the said Commissioners — And the Governor Lieutenant Governor, President or Commander in Chief for the time being, shall Grant a Warrant on the Public Treasury for the Payment of any sum or sums that may be agreed upon or assessed and Confirmed as aforesaid, in like manner as herein before directed for other Public Expenditures —

And be it further Ordained and Ordered by the Authority aforesaid, that the said Commissioners shall have Power to enforce, and they and each of them are hereby empowered and directed to enforce and carry into effect the several Laws and Ordinances in this Island respecting the Duty of Overseers or Surveyors of Roads and Highways, and shall Cause such Overseers or Surveyors to be prosecuted according to Law, for any default, Omission, or Neglect of Duty by them or any of them done or Committed in their said Office —

And be it further Ordained and Ordered by the Authority aforesaid, that if any Suit or Action at Law, shall be brought or prosecuted against the said Commissioners for any matter, act, or thing, by them or any of them, done or to be done by Virtue or Authority of this Ordinance, the Defendants in such suit or Action, shall in all Cases be admitted to enter a Common Appearance, and shall have leave to plead the General Issue, and give the special matter and this Ordinance in Evidence, and in case Judgement shall be given for the Defendants, or that the Plaintiff or Plaintiffs become Non suit in such Action the Defendants shall recover their Damages with double Costs of suit —

And be it also Ordained & Ordered by

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the Authority aforesaid that this Ordinance shall continue and be
in force for the space of three Years and no longer —

Approved Ordained and Ordered accordingly
in Council this 12th January in the 43rd Year
of His Majesty's Reign —

John Despard M. General
& President of Council

Passed in Council
the 12th January 1803 }

True Copy

Wm. Stanb. Secy. Council