

C A P. II.

An ACT to declare that NO LAW passed in the GENERAL ASSEMBLY of the Province of NOVA-SCOTIA, before the erection of the Province of NEW-BRUNSWICK, shall be of force in this Province.

No Law of
Nova Scotia to
be of force in
this Province.

BE IT ENACTED, *by the Lieutenant Governor, Council and Assembly*, That no law passed in the General Assembly of the province of *Nova-Scotia* before the erection of the province of *New-Brunswick*, shall be of any force or validity whatever in this province; or so deemed or taken in any Court of Law or Equity within the same. PROVIDED that this act shall have no retrospective force or operation.

C A P. III.

An ACT in addition to, and in amendment of an Act entitled “ An Act
“ for LAYING OUT REPAIRING and
“ AMENDING HIGHWAYS, ROADS
“ and STREETS, and for appointing
“ COMMISSIONERS and SURVEY-
“ ORS of HIGHWAYS within the
“ several TOWNS or PARISHES in this
“ Province.”

Preamble.

WHEREAS it is found expedient that some alterations should be made in, and additions to an act made and passed in the *twenty-sixth* year of His MAJESTY'S reign, entitled “ An ACT for LAYING OUT, REPAIRING and AMENDING,
“ HIGHWAYS, ROADS and STREETS, and for appoint-
“ ing COMMISSIONERS and SURVEYORS of HIGH-
“ WAYS within the several TOWNS or PARISHES in this Pro-
“ vince.”

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That the exemption in the tenth section of the said herein before recited act of hired servants for a year from working upon the highways, shall not extend, or be construed to extend, to exempt any such servant from so working.

Hired Servants for a year not exempted.

II. And be it further enacted, That so much of the said herein before recited LAW as requires the said Surveyors to deliver under oath to one or more of the Commissioners of highways in their respective towns or parishes an account of the labor done on the highways within their respective districts be and the same is hereby repealed, and that no oath shall be required to be taken by the said Surveyors or either of them, but the oath mentioned in the fifth section of the said herein before recited act for the faithful discharge of their respective offices: And that the account required to be given in, by the said Surveyors to the said Commissioners in and by the said recited act shall be in writing signed by the Surveyors of the respective districts.

No oath to be required of the Surveyors but the oath of office.

The account to be given in to the Commissioners in writing.

III. And be it further enacted, That the respective Commissioners of highways, shall at the first sitting of the Court of General Sessions of the Peace in the respective counties in each year, deliver in to the Clerk of the Peace, to be by him filed in such Court, the several and respective accounts of the labor done on the highways so to be given to them by the said Surveyors, and also an account with proper vouchers of all sums of money received by them for fines or forfeitures accruing by virtue of this, or of the said recited law, and the purpose for which such sums shall have been expended, and if such sums or any part thereof remain in their hands, they shall pay the same into the hands of the County Treasurer, to be disposed of by the order of the Justices or the major part of them in their General Sessions for the making, repairing and amending the roads and bridges in the parish where such money was collected: And if any Commissioner shall neglect or refuse to deliver in such accounts, or any or either of them to the Clerk of the Peace as aforesaid, he shall forfeit and pay for every offence the sum of ten pounds to be recovered before two Justices of the Peace in such county respectively, to be paid into the hands of the Treasurer, and applied in manner herein before mentioned—and shall also be subject to an action of debt to be brought by and in the name of the Treasurer of such county, for any sum of money so remaining in his hands.

Commissioners to give in to the Clerk of the county the accounts delivered in, by the Surveyors.

and an account of monies received

and expended; and to pay the remainder to the county treasurer.

Commissioners to forfeit and pay for every offence.

IV. And be it further enacted, That every Commissioner neglecting to enter in writing any highway or road laid out or altered in manner directed by the fifteenth section of the before-mentioned act shall forfeit and pay for every such neglect or omission the sum of five pounds, to be recovered and applied in the same manner as the penalties mentioned in the last preceding section.

Commissioners neglecting to register roads laid out to forfeit 5^l.

Surveyors to warn inhabitants having teams to break roads in the snow.

V. *And be it further enacted,* That the said Surveyors of the highways by direction of the Commissioners shall have full power and authority, and they are hereby required during the winter season to summon such and so many of the inhabitants having horses, oxen, or teams in their respective districts, as they in their discretion shall think fit, to work on the highways or public winter roads, by breaking roads in the snow with their said horses, oxen or teams, whenever the depth of the snow shall render the same necessary, not exceeding *four days* in each winter and at no greater distance than *three miles* from their own houses. And such inhabitants shall perform the same work over and above the work which such inhabitants in and by the said herein before recited act are liable to perform upon the highways, roads, streets and bridges. And any person refusing, or neglecting, forthwith to perform such work in the winter season upon being summoned as aforesaid, shall be liable to the same penalties and forfeitures as in and by the said recited act they are made liable to, for neglecting to work up on the highways, roads, streets and bridges.

Not more than 4 days in a winter nor more than 3 miles from home.

Persons refusing to work in winter liable to the same penalties as persons neglecting to work on roads &c.

All sleds used for carrying heavy materials to be 4 feet 8 inches wide

VI. *And be it further enacted,* That from the *first day of November* next, all sleds made use of for the purposes of carrying or transporting wood, hay, or any other heavy materials shall not be less than *four feet eight inches* in width from outside to outside of the runners: And whosoever shall make use of any ox or horse sled of less dimensions and be thereof convicted by the oath of one or more credible witness or witnesses before any of his MAJESTY'S Justices of the Peace, or on the view of such Justice shall be fined in the sum of *twenty shillings*, the same to be levied by distress and sale of the offender's goods and chattles by warrant under the hand and seal of such Justice, rendering the overplus if any, after deducting the costs and charges of such distress and sale, to the offender—which fines shall be paid and appropriated in like manner with the other penalties mentioned in this act. And it shall be the duty of all Commissioners and Surveyors of highways and Constables in the respective parishes to prosecute all offences and breaches of this clause of the act.

under the penalty of 20s.

Commissioners, surveyors and constables to prosecute offences.

Proviso.

VII. *And be it further enacted,* That nothing herein before contained shall be construed to extend to any sled a man may use upon his own farm only, or to any single ox or horse sled or pleasure sleigh drawn by one or more horses.

Every horse-sled or sleigh to be furnished with two bells for each horse,

under the penalty of 5s.

VIII. *And be it further enacted,* That no horse-sled or sleigh shall be drawn on the high ways or public roads of this province, unless the same shall be furnished with not less than two bells for each horse drawing such sled or sleigh under the penalty of *five shillings* for every offence, to be recovered from the owner or driver thereof in the manner and to the uses herein before last mentioned.

IX.

IX. *And be it further enacted,* That no prosecution or suit for the recovery of any of the penalties mentioned in this act, shall be brought or instituted after the expiration of *twelve months* from the time of committing the offence intended so to be prosecuted.

Prosecutions to be commenced within *twelve* months.

X. *And be it further enacted,* That the said herein before recited act, and every clause, matter and thing therein contained not herein or hereby altered or repealed shall be and remain in full force, in the same manner as if this act had not been made, any thing herein before contained to the contrary notwithstanding.

C A P. IV.

An ACT for the RECOVERY of SMALL DEBTS.

WHEREAS it is necessary for the effectual administration of justice in suits for the recovery of debts to the value of *forty shillings* in the respective counties within this province that further regulations be made.

Preamble.

I. BE IT ENACTED, *by the Lieutenant Governor, Council and Assembly,* That all jurisdiction, power, authority, fees and rights given to or exercised by any Clerk or Clerks of the Clerks Courts and every of them, be fully and absolutely taken away and determined, and that all the jurisdiction, power and authority so given and exercised as aforesaid, by the several Clerks aforesaid, be transferred to, and vested in any and every Justice of the Peace in the several counties: And that such Justice of the Peace in the several counties shall have full power, authority and jurisdiction to issue any process or processes, and to hear and determine all causes whatsoever cognizable in the said Courts respectively, fully and absolutely to all intents and purposes whatsoever—PROVIDED ALWAYS, that no original process shall issue to compel the appearance of any defendant or defendants in any cause whatsoever out of the limits of the town or parish where such defendant resides, in case there be any Justice of the Peace resident in such town or parish.

The authority of the Clerk's Court taken away.

and transferred to the Justices of the Peace.

No defendant to be summoned out of the parish in which he lives,

II. *And be it further enacted,* That in case no Justice of the Peace shall reside in the same town or parish with the said defendant, then the said defendant shall be summoned to appear before the Justice residing nearest to the place of his abode.

If there shall be no Justice in the parish—defendant to be summoned before the nearest Justice.

III. *And be it further enacted,* That the Justice or Justices shall hold their court on the *first* Tuesday of every month and no oftner, unless the plaintiff shall make it appear that the defendant is about to remove from said town or parish.

Justices to hold their courts the 1st Tuesday in each month.

IV. *And be it further enacted,* That there shall be *eight* days between

To be 8 days between issuing