

shall without delay make complaint to a Justice of the Peace, against every such delinquent, which Justice shall on conviction, adjudge every such delinquent to pay the sum of *four shillings* for every day he has so neglected to appear and labor, together with costs of suit, to be levied by warrant of distress and sale of such offenders goods and chattels under the hand and seal of such Justice, directed to any Constable in the Town or Parish to which such offender may belong, and in case no goods or chattels can be found, it shall and may be lawful to commit such offender to the common Gaol of the County, not exceeding six days; and if any person, who shall appear agreeably to such summons, and being under the direction of such Surveyor, shall refuse or neglect to work, or shall not work in such manner as to satisfy such Surveyor, he is hereby empowered to dismiss such person from the work, and shall forthwith make complaint against him to some one of the Commissioners, who shall immediately proceed against him in the same manner as is herein before directed to be done against persons neglecting to appear and labor after being duly summoned, and the person so dismissed by such Surveyor, for such delinquency, shall be adjudged to pay the sum of *four shillings* for every day he shall have neglected or refused to work to the satisfaction of such Surveyor agreeably to such summons, or be liable to imprisonment, not exceeding six days in the manner herein before mentioned.

X. *And be it further enacted*, That in case any person keeping any waggon, cart, truck, plough, or harrow, with two oxen or two horses, when called upon as aforesaid by such Surveyor, shall refuse or neglect to furnish such waggon, cart, truck, plough, or harrow with two oxen or two horses with a competent driver agreeably to such direction of such Surveyor, it shall in like manner be the duty of such Surveyor forthwith to make complaint of such offender last mentioned, to some one of the Commissioners who shall immediately proceed against him in the same manner as is directed in the last preceding section, and such offender last mentioned shall be adjudged to pay the sum of *eight shillings* for every day he shall so have neglected or refused to furnish such waggon, cart, truck, plough, or harrow, with two oxen or two horses, with a competent driver agreeably to such direction of such Surveyor, or be liable to imprisonment, not exceeding six days in the manner in the same section mentioned. *Provided always*, that if any person shall produce a certificate from any Commissioner appointed by virtue of this Act, that he has in the current year done his tour of labor or any part thereof in any Parish in this Province, he shall be excused from doing such labor or such part thereof that year, as may be so certified in any other Parish.

XI. *And be it further enacted*, That the Commissioners for each Town or Parish for which they shall be appointed, shall from time to time enter in writing all the Highways or Roads laid out or altered, and sign the same, and within three months after such Highway or Road shall be laid out or altered as aforesaid, make a return thereof into the Office of the Clerk of the Peace for the County in which such Highway or Roads are laid out, to be by such Clerk entered in a book kept for that purpose, and whatsoever the said Commissioners shall do according to the powers given them in this Act, being so entered, shall be valid and good to all intents and purposes whatsoever; and that every Commissioner, who shall refuse or neglect to perform the duty enjoined and required of each of them as aforesaid, shall forfeit and pay for every such refusal or neglect the sum of *three pounds* to be recovered and applied as aforesaid.

XII. *And whereas*, it may be necessary to lay out private Roads within the several Counties in this Province; *Be it further enacted*, That upon application to the Commissioners appointed as aforesaid for any Town or Parish, for a private Road, the Commissioners shall view the same and if they are of opinion such Road is absolutely necessary, and twelve principal Freeholders to be summoned in manner aforesaid, under oath, shall be of the same opinion, the said Commissioners are hereby empowered to lay out such Road. *Provided*, that they shall not lay out such Road through any persons land, without the consent of the owner or owners thereof, or agreeing with and paying to him or them the value of the land so to be laid out into such Road, with such damages as he or they may sustain by the said Road, and in case they cannot agree, then the true value shall be set and appraised by the Justices of the Peace issuing such warrant as aforesaid, for the summoning such Freeholders, and by the oath of the said Freeholders so summoned; and all the expences and charges attending the said Road shall be paid by the person or persons applying for the same; and the said Road when laid out shall be for the only use of the person or persons who shall pay for the same, his and their heirs and assigns; but for no other use and purpose than that of a Road. *Provided always*, that the owner or owners of the land through which such private Road may be laid, shall not be prevented from making use of such Road, if he shall signify his intention of making use of the same at the time when the Jury are to ascertain the value of the land, and the damages by means of laying out such Road. *Provided also*, that no such private Road shall be laid out more than two rods wide against the consent of the owner or owners of the lands through which the same is to pass.

XIII. *And be it further enacted*, That if any public Road hereafter to be laid out by virtue of this Act, shall pass through any improved lands, where the damage to the owner or owners of such lands by means of such Road shall be greater than the allowance made for Roads in the grants of such lands, which shall be ascertained by a Jury to be summoned in the manner first herein before mentioned on the application of the owner or owners of the said land, or if such Road shall occasion the removal of any buildings, then and in such cases, the damage to the owner or owners of such land shall be ascertained by such Juries, and shall be paid as other contingent charges of the County are paid.

XIV. *And be it further enacted*, That the Commissioners of Highways and Roads for each Town or Parish, or a major part of them be, and they are hereby authorized and required after the first snow, and as soon as the rivers and marshes are safe for the passing of cattle on the ice, to

order the Surveyors of Highways and Roads for the said Town or Parish, to summon forthwith so many Inhabitants as the said Commissioners shall in their discretion think necessary, to work after such manner as they the said Surveyors shall direct, in cutting or carrying bushes, or marking ways, and such person not attending or refusing to perform the said work as directed by the said Surveyors, shall forfeit the sum of *four shillings* for each days neglect. And the rivers and the several parts of the same when frozen over as aforesaid, shall be considered as a part of the Towns or Parishes to which they are respectively opposite, for the purposes directed by this clause. And the Commissioners for the Towns or Parishes opposite to each other upon any river are hereby authorized and required to agree upon and determine the distance upon the said river, which is to be worked upon by their respective Towns in pursuance of this Act.

XV. *And be it further enacted*, That every person keeping a team shall be obliged forthwith on being summoned by the said Surveyors, to send his team with a competent driver to work in such manner as the said Surveyors shall direct, and on any such person neglecting to send his team, and a good driver, or not performing such reasonable work as the said Surveyors shall direct, the owner of the said team shall forfeit the sum of *eight shillings*.

XVI. *And be it further enacted*, That the said way shall be marked in such place as the said Commissioners shall direct, with evergreen bushes erected at the distance of not more than four rods lengthways of the said path from each other, and five feet in height, and on any of the said marks being displaced, the Surveyors shall summon forthwith as many of the nearest inhabitants with their teams as they may judge necessary to replace them; and in case of refusal or neglect every person so offending shall forfeit the sum of *four shillings* for each man and *eight shillings* for each team for each day so summoned. *Provided*, when the public Roads are on the bank of the river, the said path shall be marked on the river. The said fines and forfeitures to be recovered by complaint to a Justice of the Peace, as in case of refusal to labor on the Highways, and to be appropriated by the Commissioners towards performing the said service. *Provided always*, that the number of hours which any person shall work in pursuance of the directions of this clause, shall be deducted from and allowed as a part of the number of hours he is obliged by law to work upon the Highways.

XVII. *And be it further enacted*, That if any person shall wilfully cut, or take down, or destroy any of the bushes so to be erected by virtue of this Act, he shall forfeit and pay the sum of *twenty shillings*, upon conviction before any one of His Majesty's Justices of the Peace, upon the oath of one or more credible witnesses or witnesses, to be levied by warrant of distress and sale of the offenders goods, rendering the overplus (if any) after deducting the costs and charges, to the offender, one half of the said forfeiture to the use of the Poor of the Town or Parish where such offence shall be committed, the other moiety to him or them who shall inform and sue for the same; and for want of such effects to levy on, the offender or offenders shall be imprisoned for a time not exceeding six days.

XVIII. *And be it further enacted*, That the said Surveyors of the Highways by the 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 at the time and place appointed, on the Highways or public winter Roads, by breaking Roads in the snow with their said horses, oxen, or teams, whenever the depth of 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 are liable to perform upon the Highways, Roads, and Bridges, in and by this Act.

XIX. *And be it further enacted*, That all sleds made use of for the purpose of carrying, or transporting wood, hay, or other heavy materials, shall not be less than four feet eight inches in width from outside to outside of the runners, and whoever 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 offenders goods and chattels, 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 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. *Provided always*, 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 bob sled, or single ox or horse sled, or pleasure sleigh drawn by one or more horses.

XX. *And be it further enacted*, That no horse sled or sleigh, shall be drawn on the Highways or public Roads of this Province, unless the same shall be furnished with one or more bell or bells for each horse, drawing such sled or sleigh, to be fastened to such sled or sleigh, or to the harness thereof, so as distinctly to be heard, under the penalty of 5s. for every offence, to be recovered from the owner or driver thereof, in the manner and to the use last before mentioned.

XXI. *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 into 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 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 Act, 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, Highways, public Streets, and Bridges in the district of the Parish where such money was forfeited. 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 *four 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 the 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 so remaining in his hands.

XXII. *And be it further enacted*, That the Commissioners appointed by virtue of this Act shall not be required to do any work on the Highways, and that the Surveyors shall not be required to superintend the work more than six days; and in all cases where Surveyors are wanted for a greater number of days, the Commissioners shall pay them at the rate of *five shillings* per day out of the monies voluntarily paid into their hands or collected for fines by virtue of this Act.

XXIII. *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 six months from the time of committing the offence intended to be prosecuted; *Provided nevertheless*, that nothing in this Act shall be construed to extend to prevent those intrusted with public money, by virtue of any of the herein after recited or any other Acts, from being held accountable for all monies so received by them.

XXIV. *And be it further enacted*, That an Act made and passed in the twenty-sixth year of His Majesty's Reign, intituled "An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province," also an Act made and passed in the thirty-first year of His Majesty's Reign, intituled an Act in addition to and amendment of an Act intituled "An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province," be and the same are hereby suspended for the term of two years, or during the operation of this Act.

XXV. *And be it further enacted*, That nothing in this Act contained, shall extend to the City of Saint John, or be construed to abridge, or diminish the rights, powers and privileges, of the Mayor, Aldermen and Commonalty of the said City, as granted to them by the Charter of the said City, any thing herein contained to the contrary thereof in any wise notwithstanding.

XXVI. *And be it further enacted*, That this Act shall continue and be in force two years and no longer.

L O N D O N.
HOUSE OF LORDS, FEBRUARY 22.

MESSAGE FROM THE KING.

A long debate took place on the order of the day for taking into consideration the Message from his Majesty, requiring the concurrence of that House, in enabling him to grant pecuniary assistance to Portugal, for the maintenance of 30,000 men.—Marquis Wellesley moved, "that an humble Address be presented to his Majesty, thanking him for his gracious Message, and assuring him, that the House will concur in enabling his Majesty to afford the assistance to Portugal, required in his Message."—Lord Grenville moved as an Amendment, that in place of the words proposed in the Address, the following should be substituted, "That this House return their most grateful thanks to his Majesty for his most gracious Message, and will employ itself without delay in taking into consideration the particulars relative to the late campaign, and to the situation of the armies in Spain and Portugal." Lords Liverpool and Harrowby supported the original Address. Lords Moira, Lansdown, Holland and Darnley, argued in favor of the amendment. Lord Sidmouth disapproved of the general conduct of Ministers, but would vote for the Address, leaving Ministers responsible for what they had advised to be done. Lord Buckinghamshire took the same ground as Lord Sidmouth.—The House divided.

For Marquis Wellesley's Address—	
Contents,	59
Proxies,	65
	—124
For Lord Grenville's Amendment—	
Contents,	43
Proxies,	52
	—94
Majority	30

HOUSE OF COMMONS, February 23.

EXPEDITION TO THE SCHELD.

Mr. Whitbread moved, That an humble Address be presented to his Majesty, praying that he would be graciously pleased to order, that there be laid before the House copies of all Reports, Memoranda, Narratives, or Papers, submitted to his Majesty by the Earl of Chatham, relative to the late Expedition.

This was opposed by Mr. Ryder, the Chancellor of the Exchequer, the Attorney General, and others.—On a division there appeared.

For the motion	178
Against it	171
Majority	7

ALL Persons having any demands upon the Estate of JAMES HENLEY, late of St. Mary's, in the County of York, deceased, are requested to present them within Six Months; and those indebted to said Estate, are desired to make immediate payment to HENRY SMITH, Administrator. Frederickon, 16th January, 1816.