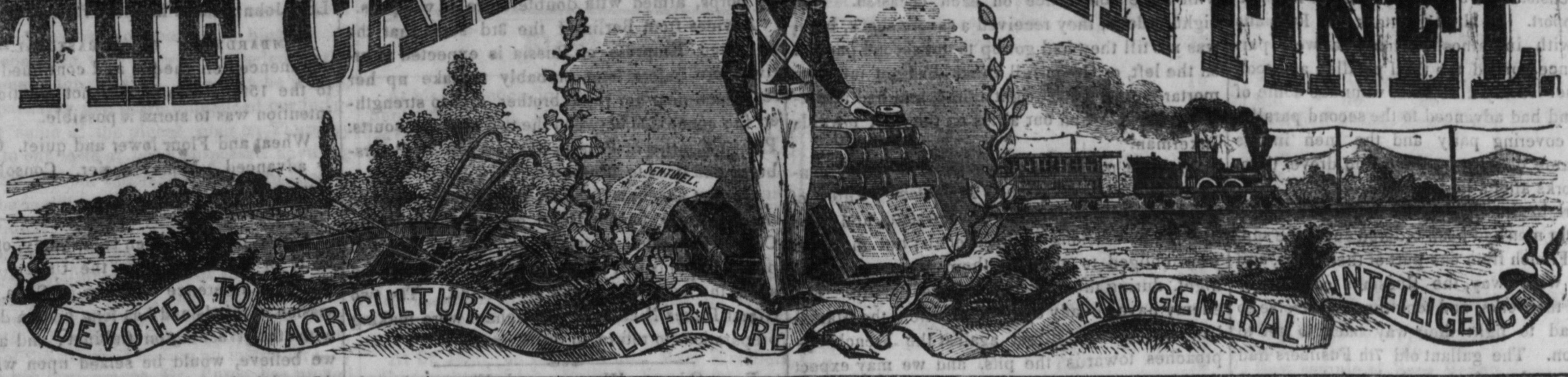


THE CARLETON SENTINEL.



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By James McLauchlan,

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No. 36

AN ACT RELATING TO HIGHWAYS.

Passed 12th April 1855.

(Concluded.)

23. Every person when required by any Commissioner shall, within twenty-four hours, give him a statement in writing of all persons residing in his house, or in his employ, liable to perform statute labour, and any person neglecting to give such statement, or giving a false one, shall pay a sum not exceeding five pounds, to be recovered in the name of any one of the Commissioners of the Parish or District, when recovered to be paid to the Commissioners, and applied to making and repairing the roads.

24. The Surveyor, within six days after the neglect of any person duly notified to appear and labour, or pay the commutation money, or appearing and refusing to work to the satisfaction of the Surveyor, and being dismissed therefor, shall report the same to the Commissioner, who shall forthwith make complaint in his own name to a Justice against such delinquent, and he, on judgment obtained, shall for each day's neglect adjudge him to pay four shillings, with costs of suit; the delinquent shall not suffer more than six days imprisonment in either case, and the proceedings shall be before the Justice as in civil suits.

25. Any person keeping any waggon, cart, truck, plough, harrow, two oxen, or two horses, when duly required to furnish the same, with a competent driver, shall neglect to do so, a Surveyor shall forthwith make complaint to the Commissioner, who shall immediately proceed against him in the manner directed by the last preceding Section; the offender shall be adjudged to pay twelve shillings for every day's neglect, or be liable to be imprisoned not exceeding six days.

26. In all actions for the recovery of the fines imposed by this Act, the delinquent may be held to bail on the oath of a Commissioner; the proceedings in such case shall be as in civil suits before Justice.

27. During the interval between the performing of the statute labour, the Commissioners may, as occasion requires, direct the Surveyors to summon so many of the inhabitants as may be necessary to remove all trees or windfalls out of the roads, and to repair all bridges and such parts of roads as may require it, and to furnish the materials therefor, and call upon persons keeping any vehicle or team to attend with the same; the work then performed to be deducted from the number of days each person may be obliged to work on the roads; any person not attending or refusing to work shall forfeit eight shillings for each day's neglect or refusal, and sixteen shillings for neglecting to furnish the vehicle or team as aforesaid, to be recovered and applied as directed by the twenty-fourth Section of this Act.

28. The Commissioners after the first snow, and when the rivers and marshes are safe for the passing of cattle on the ice, shall direct the Surveyors to summon forthwith so many inhabitants as they shall think necessary to perform such work as the Surveyors shall direct in cutting, carrying and erecting bushes, and making ways; any person not attending, or refusing to work as directed, shall forfeit eight shillings for each day's neglect, to be recovered and applied as aforesaid. The rivers and the several parts thereof when frozen as aforesaid, shall be considered as part of the Town or Parish to which they are respectively opposite; and the Commissioners for the Town or Parish opposite to each other shall determine the distance upon the said river which is to be worked upon by the respective Parishes.

29. The said way shall be marked as directed by the Commissioners with evergreen bushes five

feet high, erected lengthwise on the path not more than four rods from each other, and shall be replaced in the same manner when necessary.—When the road is on the bank the path shall be marked on the river, and every person keeping a team, on being summoned by the Surveyor, shall forthwith send such a team with a competent driver to work as directed, and neglecting to do so shall forfeit sixteen shillings, to be recovered and applied for the purposes of this Section, or the sum he shall forfeit shall be allowed as so much of his statute labour.

30. Any person who shall wilfully cut, take down, or destroy any bushes so erected, shall pay twenty shillings; one half to be applied for the use of the Parish where the offence is committed, the other to the informer; the offender shall not be imprisoned for want of goods whereon to levy more than six days.

31. The Surveyors in their districts during the winter season when necessary, shall summon so many of the inhabitants liable to do statute labour, as they may think fit, to attend with shovels to shovel snow and assist to break roads, and so many of such inhabitants having horses or teams as they think necessary, to attend on the roads and break the same in the snow with such horses or teams not exceeding four days in each winter, nor more than three miles from their own house, such work not to be deducted from their statute labour; any person not attending either in person or by a good and sufficient substitute, or refusing to work shall pay five shillings for each day's neglect, and ten shillings per day for not attending or refusing to work with his horse or team as aforesaid, to be recovered as prescribed by the twenty-third Section of this Act, and applied by the Commissioners to breaking winter roads. The Surveyors in performing the duty imposed by this Section shall be subject to the orders of the Commissioners.

32. Every horse, sled, or sleigh drawn on any road shall have fastened to it or the harness thereof, two or more bells so as to be distinctly heard, under the penalty of five shillings for each offence to be recovered from the owner or driver by any person who shall sue for the same, and to be paid and applied as directed by the twenty-third Section.

33. The Road Commissioners in the Parishes of Mauderville and Sheffield, in the County of Sunbury, and of Canning, Cambridge, and Gagetown, in Queen's County, may apply such parts of the statute labour of the inhabitants or proprietors of land in said Parishes respectively, as they deem necessary, to secure and defend the road on the banks of the River Saint John therein, and to procure materials necessary for that purpose.

34. That part of the said statute labour so employed where the public highway runs may be performed at the times in each year when most practicable, under the direction of the Commissioners; the Commissioners and Surveyors shall make returns thereof in time to be submitted to the June Sessions of the Counties respectively.

35. The Commissioners on or before the fifteenth day of December in each year, shall deliver to the Clerk of the Peace of their respective Counties, returns with vouchers, to be by the said Clerks filed in their office, which returns shall be according to the form hereinafter set forth. If any balance remain in the hands of the Commissioner, he shall pay the same to the County Treasurer, to be disposed of by the Sessions for the benefit of the roads and bridges where such money was collected.

FORM OF RETURN.

The undersigned Commissioners (or Commissioner) of the Parish of _____ (or District of the Parish of _____, as the case may be,) certify that

all persons assessed to work in the said Parish (or District) have either worked, paid the commutation of fines, or been prosecuted as the law directs, except the persons excused.

[Here insert an account of the receipts and expenditures, showing the balance of money, if any, in hand, thus—]

Statement of moneys expended.) Specify the
Statement of moneys received.) items.
From whom fines not received.
List of persons excused.
Cause of such excuse. A. B.

36. All Commissioners shall be exempt from the performance of statute labour under this Act.

37. Any balance remaining in the hands of any Commissioner on the fifteenth day of December in each and every year, or received by him after that period to the expiration of the year of his office, shall be handed, with a statement of the Parish and District in which the same was collected, to the County Treasurer, to be held by him subject to the order of the Commissioners for the ensuing year, of the Parish in which the same was collected, to be by them expended on the roads in such Parish.

38. If any Commissioner shall neglect or refuse to render his account for all moneys received, or work done by him, or shall retain in his hands any moneys, contrary to the provisions of this Act, or not properly expend the same, any General or Special Sessions may order him to be brought before them; the officer receiving such order shall execute the same according to the exigencies thereof. The said Sessions, on the Commissioner being brought before them, may if they see fit, commit him to goal until he shall have purged the contempt, unless they on cause shewn, deem it proper to discharge him, and in addition thereto the party so offending shall for any such neglect or refusal, and any Commissioner or Surveyor shall for any other neglect of any of the duties imposed upon him by this Act, be liable for every offence to a penalty of not less than forty shillings or more than five pounds, to be recovered on the complaint of any freeholder before any two of Her Majesty's Justices of the Peace of the County, one half to be paid to the person suing for the same, and the other half to the Overseers of the Poor of the place where the offence was committed, for the use of the poor.

39. The General Sessions of the Peace in the several Counties, shall pay to Constables and other officers, their reasonable fees for services performed by them under this Act not otherwise provided for.

40. Every prosecution for any of the forfeitures mentioned in this Act shall be commenced within six months after the offence.

41. Any person thinking himself over-rated or assessed too high by the Commissioners, may, after notice, appeal to the next Sessions. If the appeal be sustained, they may relieve him by deducting the surplus from the amount of statute labour to be performed by him the next year.

42. No appeal shall be allowed unless the appellant, within one month after notice of assessment or summons to work, leave a memorandum with the Clerk of the Peace, or with the Commissioner to be transmitted to him, which memorandum shall be accompanied with an affidavit, to the following effect:—

County of _____ to wit:
I, A. B., of _____ in the said County, do make oath that the whole of the property, real and personal, held by me, or any person in trust for me, does not exceed _____ and that my whole yearly income does not exceed _____

A. B.
Sworn at _____ this _____ day of _____ A. D. 1855. } C. D. J. P.

43. Nothing contained in this Act shall interfere with the rights of any City, Town, or Parish, for which special or local laws relating to the statute labour are now in force.

44. In incorporated Counties the County Council may, in the manner provided by any law relating to Municipal authorities, make such by-laws as they deem necessary to carry into effect the object contemplated by this Act, and generally to provide for the repairing, cleaning, improving, and maintaining the roads in the County, or any part thereof, and provide therefor either by an assessment on the poll, property, and income of the inhabitants, by a statute labour impost or otherwise, or raise such a sum as they require for that purpose in such amounts as they deem necessary, and in the manner provided by any laws in force for levying, assessing, and collecting County or Parish rates, and may enforce the observance of any laws by such penalties as they may prescribe.

English and Foreign.

FROM THE CRIMEA.

IMPORTANT AFFAIR BEFORE SEBASTOPOL.—The despatches of the English and French Generals to their respective governments, represent the affair of the night of the 22nd March as the most serious assault yet experienced and repulsed. The French general calls it "a very hard-contested, and for our troops, very glorious combat." It commenced about 11 o'clock at night by a general sortie of the Russians on the French right works of attack in front of the Malakhoff Tower. About 15,000 Russians were engaged, divided into two columns.

The night was very dark and the wind very high, and the allies were taken somewhat by surprise. The Russians succeeded momentarily in penetrating the French lines, and passing in the rear until they came in contact with the English trench guards.

The contest was long and obstinate, a considerable number of English as well as French troops were engaged, but finally resulted in the complete defeat of the Russians with a very heavy loss.

A Correspondent of the London Times of April 7th contains the following in regard to this battle:—Between 11 and 12 o'clock last night columns of Russian infantry came suddenly upon the men in our advanced trenches, and rushed in upon them on the right with the bayonet before we were quite prepared to receive them. When they were first discovered they were close at hand, and, on being challenged, they replied with the universal shibboleth, "Bono Franciz." In another moment they were bayonetting our men, who had barely time to snatch their arms and defend themselves. Taken at a great disadvantage, and pressed by superior numbers, our men met the assault with undaunted courage, and drove the Russians out at the point of the bayonets after a smart fire. The Russians, pursued by our shot, retired under cover of the batteries.

The attack seems to have been general along the line. At half-past 8 o'clock last night the French batteries began to shell the town, while their rockets were poured every five minutes in streams into the place. At 10 o'clock, our sentries in advance of Chapman's attack gave notice that the Russians were assembling in force in front of the works.—The 20th, 21st, and the 57th Regiments were in the trenches on the left attack, and they were to a certain extent prepared for the assault of the enemy. About the same time the French on the right of our right attack, which is separated from the left