

for which the said Board is constituted, which may be the property of the Province, and required for the better attainment of the objects of this Board.

XXIII. And be it enacted, That the said Board shall have power to send for and examine on Oath all such persons as it shall deem necessary to examine touching any matters referred to the Board as aforesaid, and to cause such persons to bring with them such papers, documents and things as it may be necessary to examine with reference to such matters, and to pay such persons a reasonable compensation for their time and disbursements, and every such person shall be bound to attend on the summons of the said Board after due notice under penalty of such damages as may be awarded in favour of the said Board, as the loss the public may have sustained by the non-attendance of such person, in an action to be brought by the said Board in that behalf.

XXIV. And be it enacted, That the Board may require any account sent in by any contractors or any person in its employ to be attested on Oath, which Oath as well as the Oath to be taken by any witness, the Secretary or any member of the Board are hereby empowered to administer, and any false statement wilfully made under any such Oath or in any case when an Oath is required or authorized by this Act, shall be perjury, and the party guilty thereof shall be liable to all the pains and penalties inflicted by law for the crime of perjury.

XXV. And be it enacted, That no warrant shall be issued for any sum of the public money appropriated for any Public Work under the superintendence of the said Board, except on the certificate of the Chairman, sealed with the Seal of the said Board, that such sum ought to be paid to the person or persons named in the certificate, in whose favor a warrant may be issued accordingly: Provided always and be it enacted, That it shall be lawful for the Board to grant from time to time, such certificate in favor of its Secretary, for such sums as may be necessary to meet any disbursements allowed to him or the members of the Board when on duty, or which the Board may order to be made immediately by the Secretary in any report approved of by the Lieutenant Governor or person administering the government as aforesaid, but the sum which shall at any time be in the hands of the said Secretary shall in no case exceed two hundred and fifty pounds currency.

XXVI. And be it enacted, That the said Secretary shall make up detailed accounts of the expenditure of all monies advanced or paid under certificate of the said Board, shewing the sum appropriated for each Public Work, the sum so paid or advanced, and the balance if any remaining unexpended, and in whose hands, and each such account shall be accompanied by vouchers corresponding with the numbering of the items of such accounts and shall be made up to, and closed on the first day of January and first day of July in each year, and shall be attested to before some Judge of the Supreme Court or some Justice of the Peace, and shall be transmitted to the officer whose duty it shall be to receive it within fifteen days after the said periods respectively.

XXVII. And be it enacted, That it shall be the duty of the Chairman of the said Board of Works to transmit to the Lieutenant Governor or person administering the government as aforesaid, to be laid before the other two Branches of the Legislature within fifteen days after the opening of the Session in every year, a detailed statement of the several Public Works carried on under the direction of the said Board, and of the progress made in the said works since the previous Session of the Legislature, and of the said accounts of monies so far expended upon them respectively, together with all such further information as the said Chairman may deem proper to be submitted for the information of the said Provincial Legislature.

XXVIII. And be it enacted, That the amount of the salary that shall be allowed to the Chairman and Secretary of the said Board, shall be settled and determined on by the Lieutenant Governor or person administering the government of the Province for the time being, by and with the advice of the Executive Council of the said Province; and on every new appointment to the said offices, it shall be lawful for the said Lieutenant Governor or person administering the government of the Province for the time being, by and with the advice of the Executive Council of the Province for the time being, to increase or decrease the said salaries respectively or either of them from that which their predecessors had enjoyed according as the increase or decrease of business in the Board may render requisite and necessary; provided always, that the salary of the Chairman of the said Board shall not in any case exceed the sum of £ , currency, or be less than the sum of £ , currency, per annum; and the salary of the Secretary of the said Board shall not in any case exceed the sum of £ , currency, nor be less than the sum of £ , currency, per annum.

XXIX. And be it enacted, That so soon as the said Board of Works shall be established and in operation, all Supervisors, Commissioners and Directors, appointed by or under the authority of any of the Laws of this Province now in force for the making, improving, laying out, or building of any Roads, and Public Highways and Bridges in this Province, and for any other Public Works and Improvements, or for the laying out of any of the public monies for the construction and carrying on any Public Provincial Works heretofore granted but not then expended, shall be superseded, and their respective offices shall cease and be determined to all intents and purposes whatsoever; and that all and every the powers and authorities conferred on any such Supervisors, Commissioners and Directors, in or by any such Law or Laws, shall be transferred to, and shall and may be used, exercised and enjoyed, by and under the direction of the said Board of Works, in as full and ample a manner to all intents and purposes as the same might or lawfully could be used, exercised or enjoyed by such Supervisors, Commissioners or Directors, or any of them respectively; provided always, that nothing herein contained shall be construed in any wise to annul, discharge, vacate, or make void any contract or agreement, debt or liability lawfully made, entered into, or incurred by, or to such Supervisors, Commissioners or Directors, as such Public Officers, but that every such contract, agreement, debt or liability, shall be performed, fulfilled, paid and discharged to, or by the said Board of Works in like manner and subject to the same conditions as it would have been to or by the said Supervisors, Commissioners or Directors if they had continued in office.

A BILL

To repeal all the Laws now in force for regulating, laying out and repairing Highways, and to make more effectual provisions for the same.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal all the Laws in force for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same;" also an Act made and passed in the sixth year of the Reign of His said late Majesty King William the Fourth, intituled "An Act in amendment of the Act relating to Highways;" also an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act relating to the Great Roads of Communication through this Province;" also an Act made and passed in the forty fifth year of the Reign of King George the Third, intituled "An Act to enable the Commissioners of Highways in the Parishes of Maudersville, Sheffield and Waterborough, to lay out Highways, and to appropriate a part of the Statute Labor for securing the Bank of the River in front of those Parishes;" also an Act made and passed in the forty fifth year of the Reign of King George the Third, intituled "An Act to regulate the Winter Roads in the Counties of York and Sunbury;" also an Act made and passed in the fifty second year of the Reign of King George the Third, intituled "An Act in amendment of an Act made and passed in the forty fifth year of His then Majesty's Reign, intituled 'An Act to regulate the Winter Roads in the Counties of York and Sunbury,'" also an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to alter and amend an Act intituled 'An Act to repeal all the Laws now in force for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same so far as the same relates to the Parish of Portland in the County of Saint John;" and also the second Section of an Act made and passed in the first year of her present Majesty's Reign, intituled "An Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads;" also an Act made and passed in the fourth year of the Reign of Her present Majesty, intituled "An Act to extend the provisions of an Act intituled 'An Act to enable the Commissioners of Highways in the Parishes of Maudersville, Sheffield and Waterborough, to lay out Highways, and to appropriate a part of the Statute Labor for securing the Banks of the River in front of those Parishes, to the Parish of Gagetown in Queen's County;" also an Act made and passed in the said fourth year of Her present Majesty's Reign, intituled "An Act to provide for the more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephens," so far as the same are now in force, shall be from and after the day of A. D. 18 and the same are from thenceforth hereby repealed, except so far as the same or either of them may repeal the whole or any part of any other Acts.

II. And be it enacted, That from and after the day of A. D. 18 the offices of

Commissioners and Surveyors of Roads and Highways for the different Towns and Parishes in this Province heretofore annually appointed by the Justices of the Peace of the different Counties in General Sessions, and also the offices of Supervisors and Commissioners of the Great Roads heretofore appointed by the Lieutenant Governor and Commander in Chief of this Province, shall from thenceforth be wholly abolished and put an end to, and it shall not be lawful for the said Justices of the Peace in any of the Counties of this Province to appoint any such Commissioners or Surveyors for any period after the said day of A. D. 18

III. And whereas for the purpose of conducting, managing and superintending the Public Works in this Province, an Act of the General Assembly of this Province has been passed at the present Session, intituled "An Act to establish a Board of Works in this Province;" be it enacted that from and after the said day of A. D. 18 all the Public Roads, Streets, Highways and Bridges thereon, throughout this Province as well the Great Roads of Communication as also the Bye Roads (except as hereinafter is provided) shall be deemed and taken and are hereby declared to be part of the Public Works of the Province, for which the said Board of Works is constituted, and shall be under the direction, charge, care and management, supervision and controul of, and vested in the said Board of Works of this Province, and to which all the powers and authorities given to the said Board by the said Act of the General Assembly so made and passed at this present Session, shall and are hereby declared to extend so far as the same may be necessary and applicable to such Works and subject also to the provisions hereinafter enacted and contained.

IV. And be it enacted, That the said Board of Works shall be held and are hereby made responsible for the due and proper care and attention to keeping the said Roads, Streets, Bridges and Highways, in a proper state of repair and safety for travellers according to the means and powers vested in that Body by Law, and shall be liable to all the pains and penalties inflicted by Law for any neglect or breach of the duties hereby imposed on the said Board of Works, and may be prosecuted for the same by indictment or otherwise, and the Chairman of the said Board shall be held and is hereby made personally responsible for all pains and penalties that may be adjudged against the said Board for any conviction of any breach of the duties imposed on that Body by this Act, that may take place during his holding of office.

V. And be it enacted, That it shall be the duty of the said Board of Works as soon after its constitution and establishment as can conveniently be done, to employ the most fit and proper persons that can be got to make a thorough and careful inspection and examination of all the Great Roads of Communication, and of all the other Public Roads, Bridges and Highways, in the several Parishes of this Province, and to make a full report of the state of the same and every of them, and also what repairs such roads and each of them require to make them safe and passable for travellers, with an estimate of the probable expences of such repairs, and also full and particular estimates of the expence it will require to complete the making of each of such roads in a way to render them permanent, together with all and every information that may be necessary as to any alterations required either in the lines or width of such roads, and to have such reports and estimates, or as many of them as can be got ready, to be laid before the Legislature at the next Session.

VI. And be it enacted, That it shall be the duty of the said Board of Works on receiving such reports, to examine into the same carefully and to take all such means as the said Board may judge requisite for testing the accuracy of the same and every of them.

VII. And be it enacted, That as soon as the said Board of Works shall have got in all the reports and estimates of the state of the different roads as required in the preceding Section of this Act, or so many of them as can be got in previous to the meeting of the next Session of the General Assembly, and shall have ascertained the correctness of them, it shall be the duty of the said Board to prepare one general statement of the whole, shewing the state of each Road and the Bridges thereon, and the amount required to make it safe and passable for travellers, and also the amount required to complete and finish the same in a permanent manner, specifying the mode of finishing proposed, for which such estimate is made for each road, which general statement when so made up under the seal of the said Board of Works, and signed by the Chairman, shall be sent by the said Board to the Lieutenant Governor or person administering the government for the time being, to be laid before the Legislature at the next Session of the General Assembly, together with an account of the expences incurred by the said Board in obtaining such reports and information; and in order to provide for such last mentioned expences, it shall be lawful for the Lieutenant Governor or Commander in Chief for the time being, to draw by Warrant on the Treasurer of the Province from time to time for such sums as the said Board of Works may require for the carrying on such investigation and the procuring such reports and information; provided that there shall not be drawn in the whole for such purpose more than £ before the meeting of the next Session of the General Assembly.

VIII. And be it enacted, That it shall be the duty of the said Board of Works in each and every year to make a full and complete report in writing to the Lieutenant Governor or person administering the government of the Province for the time being, of the then state of all the Roads and Bridges in the Province, the progress made in the improvement thereof during the year, the amount of expenditure upon each, what funds remain at the disposal of the Board unexpended, and what further sums are required to complete the making of each of said roads, in which report the information and account required relating to each road shall be stated separately, and also the amount received from the road assessments for each Parish in the then preceding year, which report shall be signed by the Chairman, under the seal of the Board, and so rendered within the first fifteen days after the meeting of the Legislature in every year, to be laid before both Houses thereof.

IX. And be it enacted, That it shall be lawful for the said Board of Works as soon after the same shall be put into operation as can conveniently be done, to appoint such number of fit and proper persons in the different Towns and Parishes in this Province as the said Board may deem necessary as Surveyors of roads, to take charge of and superintend the keeping the same and the bridges in repair from and after the day of A. D. 18 under the direction and authority of the said Board of Works, which Surveyors shall hold their offices during the pleasure of the Board, who may remove them and appoint others in their stead as often as the Board shall see fit.

X. And be it enacted, That it shall be the duty of every such person and persons so appointed by the said Board of Works as such Surveyors of roads, to keep up a strict and vigilant attention to all the roads in the district for which he or they may be so appointed, during all seasons of the year, to keep them clear of windfalls or any other obstructions that may be placed in any of such roads, and prevent encroachments thereon, and to prosecute whenever it comes to his or their knowledge all offences against this Act as hereinafter directed when the offenders become known, and from time to time as occasion may arise to report his or their proceedings to the said Board of Works, and any serious injuries that may at any time arise to the said Roads and Bridges from accidental causes and in all things to attend to the orders of the said Board and give such immediate information to the said Board of Works of the state of such roads from time to time as will enable the said Board to direct what may be required to be done in such cases, and it shall be lawful for the said Board of Works to pay such Surveyors of Roads such reasonable allowances for their services respectively as the said Board may deem just as part of the public expences of the said Board in carrying on the said Works.

XI. And be it enacted, That the said Board of Works shall be and are hereby held responsible for the good conduct and faithful discharge of their duties by all persons employed by the said Board of Works as Surveyors, Engineers or otherwise, in any of the Works by this Act put under the charge of the said Board.

XII. And be it enacted, That the several powers and authorities hereby vested in the said Board of Works from and after the day of A. D. 18 shall extend not only to the superintendence, constructing, repairing, altering, and controul of all Highways or Public Roads already laid out and used as such, but also to the exploring the lines of, and laying out, opening and making all other Public Roads in the Province hereafter to be laid out and opened either under the provisions of this Act, or any other Law of the Province in force for the time being, as well those for which public monies may be granted by the Legislature, as those for which funds may be raised or provided by Parochial assessments as hereinafter mentioned, except in such cases where any Act of the General Assembly passed during this Session or hereafter to be made and passed, may otherwise provide and direct, and except as is hereinafter provided.

XIII. And be it enacted, That the said Board of Works is hereby empowered from and after the said day of A. D. 18 to cause and direct to be laid out by its Road Surveyors or other persons employed by the said Board for that purpose, such Public Highways in any of the Towns or Parishes in this Province as the said Board shall from time to time deem fit and necessary for the convenience as well for travellers as for the inhabitants of such Town or Parish, and the next adjacent Towns, Villages and neighbourhoods, and also to make such alterations in the lines of any of the Public Highways already laid out in any Town or Parish as the said Board may deem requisite for the same like convenience.

XIV. Provided always and be it enacted, That whenever any of the Roads and Streets already laid out, used and occupied as Public Highways shall be reported to the said Board of Works by any of its Road Surveyors or other persons employed for that purpose as inconvenient and that an alteration to be specified in such report, either in the width or otherwise be necessary, or any such report shall be made that any new Road or Street (the line and width of such proposed new Road or Street to be particularly specified in such report) is necessary to be laid out in any such Town or Parish, for the convenience as well of travellers as for the inhabitants generally of such Town or Parish, and the next adjacent neighbourhood, it shall be the duty of the said Board of Works in every such case, to make such inquiry and examine into the subject matter of such report as the said Board may deem necessary according to the powers vested in the said Board for that purpose, and if the said Board after such enquiry shall determine in favor of making any such proposed or