

other alterations in any such Road or Street then previously laid out, or in laying out and opening any such new road as so proposed, the said Board of Works in each and every such case, shall give Public Notice of such proposed alteration or new road by posting up such notice in three or more of the most public places in the Towns or Parishes through which such proposed alteration or such proposed new road shall run, at least two months previous to the time appointed for making the alteration or laying out the new road proposed, which said notice shall specify the nature of the alteration or the line of the new road proposed, and the time when intended to be made or laid out; and the Surveyor or other person appointed by the said Board of Works to make such alteration or to lay out such new road, shall attend at the time and place specified in such notice, and then and there proceed to lay out such alteration or new road as the said Board of Works may authorize and direct.

XV. Provided always and it is hereby enacted, That in every case of such proposed alteration in any Public Highway or Street opened and used as a road or of such proposed new road, if any of the inhabitants of any Town or Parish through which such road or intended road shall have objections to such proposed alterations being made, or any of them, or to such proposed new road being laid out, and shall state their objections in writing, and send the same to the Secretary of the said Board of Works within one month from the time such notice thereof as is hereinbefore directed shall have been posted up in such Town or Parish as hereinbefore is directed, supported by such affidavits or other evidence of facts as the parties making such objections may think proper to adduce, it shall be the duty of the said Board of Works in every such case, to proceed to examine into the subject matter of the objections so made by all such ways and means as it may deem fit and proper consistent with the powers vested in the said Board to enable it to come to a decision on the merits of the case; and if the said Board of Works shall after such enquiry be satisfied that the proposed alteration or new road as the case may be of which such notice shall have been given as aforesaid, are or is necessary to be made, it shall be lawful for the said Board of Works to cause the same to be laid out and made, pursuant to such notice and not otherwise.

XVI. Provided always and be it enacted, That whenever such alterations in any road previously laid out or used as a Public Highway, or any such new road so to be laid out shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then, and in all such cases, the said Board of Works shall make compensation to the owner or owners or the legal representatives of any such owner or owners thereof, for all damages which he, she, or they may thereby sustain, in manner as is directed and provided for in the said recited Act for establishing the said Board of Works, and which damages shall in all cases be tendered, ascertained and paid in manner as is provided for by the same recited Act, and such proceedings shall be thereupon had in all respects as are directed in such cases as mentioned and provided for in the same recited Act.

XVII. And be it enacted, That all Roads, Streets and Public Highways, so altered or laid out under the authority or direction of the said Board of Works, shall be marked off by fit and proper metes and bounds on the ground by the Surveyor or other person employed by the said Board of Works so to do, and every such Road or Street after being so laid out and marked off on the ground, shall be deemed and taken to be a Public Highway, and it shall be lawful for all persons to enter upon to open and clear out the same, and remove all and every obstruction therefrom within the metes and bounds so marked, the same as on any other Public Road in the Province.

XVIII. And be it enacted, That in every case when any one or more person or persons shall apply to the said Board of Works to have any new Road or Street laid out in any Town or Parish, it shall be the duty of the said Board of Works before taking any steps to lay out such road to enquire into the necessity thereof, and to require the applicant or applicants to give good security by bond conditioned for the payment of the expenses of inspecting, examining and exploring the line of road so applied for, in case it should be found to be merely for the accommodation of the applicants and a few others, and not for the public generally, and upon such security being given, it shall be the duty of the said Board of Works to cause to be made a particular inspection examination and exploration into the necessity of such road and the line thereof, and the number of persons to be accommodated thereby requiring the same, and the best and most convenient line for such road, and what lands of different owners such road will pass through, and the probable damage it will be to such owners, and report thereon with an estimate of the probable expense of opening such road, together with a particular account of the expenses incurred by such Surveyor or agent in making such inspection, examination and exploration, and if on receiving such report it shall be made to appear to the satisfaction of the said Board of Works that such road is intended merely for the particular convenience of any private individual, or of a certain portion, district or neighbourhood, whether wholly in one Parish or between two or more Parishes, and not necessary or useful to the Parish generally, the person or persons applying for such road and their sureties shall be held jointly and severally liable to the said Board of Works for the expenses incurred in making such inspection, examination, exploration and inquiry, and the said Board of Works in that case shall not be bound to proceed to lay out or open such road until the person or persons for whose convenience and accommodation the same is intended, shall have paid or secured to the said Board of Works the necessary funds to provide for the expense of laying out and opening of such road, and the damages to be paid to the owners of property over which it may pass; provided always, that if it shall appear to the said Board of Works that such road is necessary and useful for the convenience of the Parish or public at large, then the said person or persons applying for the same shall not be held liable or called on for payment of any of the expenses of inspecting, examining or exploring the line thereof, but such expenses shall be chargeable on any Public Funds or Parish Assessments appropriated for the roads of such Parish, and the Board of Works shall not be required to lay out or open the same until funds are provided for the same either by a grant from the Legislature or Parochial Assessments under the provisions of this or any other Acts of the General Assembly in force at the time.

XIX. And be it enacted, That all Roads, Streets and Highways, private or public, laid out by the said Board of Works, and all alterations on roads previously laid out shall be respectively entered in writing under the direction of the said Board of Works by the Secretary of the said Board, in a book or record to be kept in the office of the said Board of Works for that purpose, which entry shall contain a particular description of the courses and distances of the line, and the width of such road or alteration as laid out, and it shall be the duty of the said Board of Works to cause a copy of such entry signed by the Chairman, and sealed with the seal of the said Corporation, to be transmitted to the Clerk of the Peace of the County in which any such road may be, within three months after any such road shall have been so laid out.

XX. And be it enacted, That no Road or Public Highway whether the same be intended as a private road for the convenience of one or more private individuals, or for the convenience of the public at large shall be laid out less than two or more than four rods wide.

XXI. And be it enacted, That whenever any alteration is made in any Highway or Road in this Province, pursuant to the provisions of this Act, or which shall have been made before the said day of A. D. 18 , and there shall not be any person residing on any part or parts of such Road or Highway between the points of such alteration, and when the alteration so made shall cut off any proprietor of lands from the road so altered; it shall and may be lawful for the said Board of Works if they see fit, by and with the consent of all the owners and occupiers of land over which such road proposed to be shut up may pass, to shut up and stop the same, provided that the said Board of Works shall be of opinion that the convenience of the public generally does not require such road to be kept open, and whenever the said Board of Works shall order and direct and cause to be shut up any such road under the authority of this Act, or any other Law in force at the time, such road shall no longer be deemed to be a Public Road or Highway, and no person shall any longer have any right of entry thereon, or of passing along the same on the pretence of its being a Road or Public Highway, but the same and all use thereof shall revert back to the owner of the soil, or any person having right or title thereto, the same as if such road had never run there; provided always that whenever the said Board of Works shall so stop or shut up, or caused to be stopped or shut up any road under the authority vested in them by this Act, an entry thereof in writing shall be made in the said record of roads to be kept in the office of the said Board of Works as hereinbefore directed, and specifying the day on which such road is shut up, and a copy of such entry signed by the Chairman, and sealed with the seal of the said Board, shall be forthwith transmitted to the Clerk of the Peace of the County in which such road may happen to be.

XXII. And be it enacted, That if any person or persons do, or shall hereafter alter, stop up or encroach upon any Street, Highway or Public Road in any way not authorized by this or any other Law in force in this Province, by laying timber, wood, stone, filth or rubbish of any kind, carts, trucks or any thing thereon, or by having gates or doors opening towards, or hanging over any Street, Highway or Public Road, such person or persons so offending contrary to the true intent and meaning of this Act, shall for every such offence forfeit the sum of £ , to be recovered with costs of suit in manner hereinbefore provided; and in every case of such obstructions it shall be the duty of the Road Surveyor of the said Board of Works for the Town or Parish, or such other person as the said Board of Works shall appoint or employ for the purpose to remove and clear all such obstructions and nuisances from any Roads, Streets and Public Highways in which the same may be found, and if the articles are of a saleable nature, and the owner not known to such Road Surveyor or other officer as aforesaid, the same may be sold at Public Auction by such Road Surveyor or other officer as aforesaid of the said Board, after three days Public Notice, and shall then be deemed forfeited unless the owner shall previously to such sale, come forward and claim the same, and pay the expenses and fine hereby inflicted for placing the same in such road, and all such penalties when recovered, and the proceeds arising from such sales shall be paid to the Treasurer of the County in which the offence is committed, to be by him placed to the credit of the account of monies received by him for roads in the Parish where such penalty and forfeiture was incurred, and to be accounted for as hereinbefore directed.

XXIII. And whereas it is deemed expedient to provide for a general annual assessment on the inhabitants of this Province, towards the maintaining and repairing the Highways, Roads, Streets and Bridges, instead of the Statute Labour heretofore provided: Be it therefore enacted, That the Assessors appointed yearly by the Justices of the Peace in General Sessions for each Parish in the several Counties of this Province, for the due appointment of every assessment ordered by the Justices for County and Parish Rates, shall from and after the day of A. D. 18 , in each and every year, make an assessment on the inhabitants and holders of property in their respective Towns and Parishes, for Roads and Highways over and above, and separate from any other County and Parish Rates that may be ordered by the said Justices in Session, which said assessments for roads shall be made upon the following scale that is to say:—Every male inhabitant of every Town and Parish in the said Province of the age of 16 years and upwards, who shall not be so poor as to have received any parochial relief as a pauper for the year preceding, (with the exception of all denomina-

tions of Emigrants, who shall not have been in the Province one year previous to such assessment being made,) shall in the first place be assessed at five shillings per head as a Poll Tax for the roads; and every person whether male or female of 21 years of age and upwards, possessing property in such Town or Parish, whether an inhabitant thereof or not, shall be assessed on such property for the roads aforesaid in addition to the said Poll Tax that such person may be assessed for, after the following rate or scale, that is to say:—Every person whose real and personal estate in such Town or Parish may be estimated at the value of £50 and not exceeding £100, shall be assessed for the sum of £100, if exceeding £100, and not exceeding £200 for the sum of £100, if exceeding £200 and not exceeding £400 for the sum of £100, if exceeding £400 and not exceeding £700 the sum of £100, if exceeding £700 and not exceeding £1000 the sum of £100, if exceeding £1000 and not exceeding £1500 the sum of £100, if exceeding £1500 and not exceeding £2000 the sum of £100, if exceeding £2000 and not exceeding £2500 the sum of £100, if exceeding £2500 and not exceeding £3000 the sum of £100, if exceeding £3000 and not exceeding £4000 the sum of £100, if exceeding £4000 and not exceeding £6000 the sum of £100, and all exceeding £6000 the sum of £100; provided always that the amount so to be assessed on landed property shall not in any one year exceed the sum of £100 per acre, and all and every person being an inhabitant of any such Town or Parish, whether male or female of the age of 21 years and upwards, whose yearly income amounts to £150 and does not exceed £300, and which is not derived from bodily labour or profit of trade or business, shall be assessed for such income, the sum of £100, if exceeding £300 and not exceeding £500 the sum of £100, if exceeding £500 and not exceeding £700 the sum of £100, and for such incomes all exceeding £700 the sum of £100; and provided always, That no person shall be assessed for both property and income, but the assessors shall assess for either that they may find will produce the highest amount; and provided also, That the Lieutenant Governor of the Province, and all officers and men belonging to the Army and Navy on full pay, are hereby declared to be exempt from any such assessment, except from any such real property, such persons may be seized and possessed of in the Province for which they shall be liable to be assessed, the same as any other person; and provided also, That any two of the Justices of the Peace for the County, are authorized and empowered at their discretion to excuse or lessen any such assessment so made upon any infirm poor or indigent person making it appear to such Justices, that he is unable to pay the Poll Tax, so to be assessed upon him, which said several assessments when so made, shall be levied and collected in like manner as other Parish Rates, and when collected shall be paid by the Collectors for the different Towns and Parishes, into the hands of the respective County Treasurers.

XXIV. And be it enacted, That if the assessors of any Town or Parish shall neglect or refuse to make the several assessments for the roads authorized and directed by this Act, at the same time that they make the assessments for the other County or Parish Rates, they and every of them making such default shall be subject and liable to the same fines and penalties as they are liable for, in case of any such default in making any other County Rates, which penalties when recovered shall be paid over to the County Treasurer, to be carried by him to the credit of the road monies collected in that Parish, and accounted for by him as hereinbefore directed.

XXV. And be it enacted, That the Treasurers of the several Counties in this Province, shall respectively keep separate accounts of all monies collected and paid in under the assessment made under the provisions of this Act, for roads in the different Towns and Parishes in their respective Counties, and shall render such accounts, and pay over all such monies so received by them on such account to the Board of Works half yearly, that is to say, on the 30th day of June and 31st day of December, in each and every year and in which accounts it shall be stated separately by such Treasurers respectively, the separate amounts received by them from each Parish by name in their respective Counties, and the said Board of Works shall place such monies when so paid over respectively, to the credit of monies to be laid out on the roads in the respective Parishes from which such assessments have been so collected, in such proportions as the said Board of Works shall judge best for the benefit of the said Parish generally.

XXVI. And be it enacted, That it shall be the duty of the said Board of Works, and it is hereby required to authorize, order and direct its Surveyors of roads for the different Towns and Parishes in this Province, after the first snow in the commencement of the winter season in every year, and as soon as the ice in the rivers, creeks, lakes and marshes which are usually travelled upon in winter is safe for the passing of cattle and horses, to mark out the roads, streets and ways that are usually travelled in winter, as well on the land as on the ice of such rivers, creeks, lakes and marshes with evergreen bushes when the same can be obtained in the neighbourhood, and if evergreens cannot be obtained within a reasonable distance, then with other bushes in all the different Parishes throughout the Province whenever the same may be required, to designate the line of road, street or way usually travelled during the winter, and that the way on the ice to be marked or bushed as aforesaid, in such directions as the Road Surveyors of the said Board employed for that purpose, shall judge most convenient and safe for travellers according to the state of the ice, and the bushes with which the same shall be so marked out, shall be placed at a distance from each other lengthways of not more than four rods, and to be not less than five feet in height.

XXVII. And be it enacted, That if any person shall wilfully cut, take or knock down or destroy any of the bushes so to be put up by virtue of this Act, he shall forfeit and pay the sum of 20s. for every such offence, to be recovered as hereinbefore provided, one moiety of the said penalty to be paid to the informer, who shall inform and prosecute for the same, and the other to be paid over to the County Treasurer of the County in which such offence shall be committed, to be placed by him to the credit of the road monies received by him from assessments for the Parish in which such offence shall be committed.

XXVIII. And be it enacted, That it shall also be the duty of the said Board of Works, and they are hereby required to order and direct its Surveyors of Roads for the different Parishes in the Province whenever any of the Winter Roads or ways travelled in Winter either in any Town or district on the ice or land become blocked up or stopped by heavy falls or drifts of snow in the Winter season, so as to render them difficult for travellers to pass, to summon so many of the inhabitants nearest adjacent to such road or way having teams of Oxen or Horses as may be necessary, forthwith to turn out with their Horses, Oxen, Sleds and Shovels, to break and clear out the snow from such roads sufficiently to render them passable for travellers with Horses and Cattle; and every person who shall refuse or neglect so to turn out with such Horses, Oxen and Sleds, as they may have on being so summoned by such Road Surveyor or other person duly authorised by the said Board of Works, shall forfeit and pay for each and every day he shall so refuse or neglect to turn out with his Horse or Horses, Oxen and Sled, the sum of eight shillings, to be recovered as hereinbefore directed, and to be paid when recovered into the hands of the Treasurer of the County, to be carried by him to the credit of monies received by him from the assessments for roads in that Parish, and to be accounted for to the Board of Works with those monies as hereinbefore provided.

XXIX. And be it enacted, That if any person or persons shall cut any holes in the ice for watering Cattle, or for any other purpose in any river, creek, lake, pond or marsh, usually travelled on, within the distance of three rods from any road or way that is bushed out or used as the general track for travellers on any such river, creek, lake, pond or marsh, or shall omit to put and keep up at least two evergreen bushes of not less than five feet in height at every such hole cut in the ice and kept open in the Winter season, shall forfeit and pay for every such offence or omission, the sum of twenty shillings, to be recovered as hereinbefore provided, and when recovered to be paid and applied in the same manner as is hereinbefore provided in Section thirty two of this Act for application of the penalty of twenty shillings imposed for destroying the bushes for marking the said Winter Roads, and every such offender shall be subject to a second, third and fourth conviction for the same penalty so often and so long as he continues to keep such holes cut in the ice open after every such conviction contrary to the provisions of this Act.

XXX. And be it enacted, That it shall be the duty of the said Board of Works to take care that its Surveyors of Roads for the several Towns or Parishes or other officers employed by the said Board for that purpose do keep a vigilant supervision of all the Roads, Bridges, Streets and Public Highways, at all seasons of the year, so as to remove all obstructions thereon that may occasionally arise from windfalls, snow or otherwise, as speedily after they occur as possible, and also to make all temporary and necessary repairs that accidental injuries may render necessary as soon as can be done; and the Chairman of the said Board of Works shall be, and is hereby held and made responsible for every neglect of duty on the part of any of the out door officers of the said Board in respect thereof; and every such Surveyor of Roads appointed by the said Board who shall be guilty of any neglect in executing the orders and directions of the said Board of Works in respect thereof, shall for every such default forfeit the sum of forty shillings, to be recovered as hereinbefore provided, and paid and applied in the same manner as the said penalty of twenty shillings imposed by the thirty second Section of this Act is directed, to be paid, applied and accounted for.

XXXI. And be it enacted, That no Horse or Horses with Sled or Sleigh, shall be driven on any of the Winter Highways or Public Roads, unless the same be furnished with one or more bell or bells to each Horse drawing such Sled or Sleigh to be fastened to such Sled or Sleigh or to some part of the harness of such Horse or Horses so as distinctively to be heard, under the penalty of five shillings for every such offence, to be recovered from the owner or driver thereof by any person who shall sue for the same, in manner hereinbefore provided, to be paid, applied and accounted for as is hereinbefore directed in the thirty second Section of this Act.

XXXII. And be it enacted, That the several fines and penalties imposed by this Act when incurred, may be recovered by any person who shall sue for the same before any Justice of the Peace upon the oath of one or more credible witness or witnesses, and on conviction thereof, levied by warrant of such Justice, directed to a Constable by distraining the goods and chattels of the offender together with costs of suit, and if no such goods and chattels, then the offender shall be committed to Prison for a space not in any case exceeding six days.

XXXIII. And be it 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 hereinbefore recited or any other Acts from being held accountable for all monies so received by them.

XXXIV. Provided always and be it enacted, That any person thinking that he has been over rated or assessed too high by the assessors under the provisions of this Act, may appeal to the Justices of the Peace at their next General Sessions after such assessment has been paid, and the said Justices are hereby authorized and required to examine into such appeal, and if the said appellant shall make it appear to their satisfaction that he has been assessed too high, the said Justices shall and may give relief by allowing the said appellant the amount he shall have been so over assessed in part payment of his then next years assessment; provided nevertheless, That no such appeal shall be heard unless the person so appealing do within one calendar month after receiving notice of such assessment, leave a written memorandum of such appeal in the office of the Clerk of the Peace of the County, with an affidavit annexed in the form following, or to that effect:

County of I, A. B. of the Parish of in the said County, do make oath that the whole property real and personal owned by me, or held by any other person in trust for me or for my use in the said Parish of does not exceed , and that my whole yearly income not arising from labour or profits of business does not exceed

Sworn at the day of A. D. before me. C. D., Justice of the Peace.

XXXV. And be it enacted, That the roads as hereinbefore described be, and they are hereby continued, appointed and established to be the Great Roads of Communication through the Province, that is to say:—

[Here follows a description of the several Great Roads in the Province.]

Nota Bene.—The above definition of the Lines of the Great Roads is taken from the existing Laws of the Province, and not from the Lines of the Roads as they now actually run; as those Lines have been in many respects altered by the Supervisors from year to year, and therefore it will be necessary to have the foregoing description of the Lines corrected to correspond with the present Lines of the Roads, but the propriety of attempting in the Act to lay down any particular Line for the Roads, as they are constantly liable to be altered for improvement is doubtful, and it would probably be better merely to introduce a short Section directing generally that the present Lines of all the Great Roads as now laid out, opened and worked be adhered to, except when the Board of Works shall be satisfied that an alteration can be beneficially made.