

Altered parts of
Roads may be shut
up when not settled
by erection of
Houses, &c.

XIII. And be it enacted, That whenever any alteration is made in any Highway or Road in the Province pursuant to the provisions of this Act, and the part or parts of such Road or Highway between the points of such alteration are not settled, by the erection of dwelling houses thereon, and where the alteration so made shall not cut off any proprietor from the Road so altered, then and in such case it shall and may be lawful to and for the Commissioners of Highways in the Town or Parish where such alteration may be made, to order and direct that the said points between such alteration may be stopped up and enclosed by the proprietor or proprietors of the lands between such points of alteration as aforesaid, after which order and direction, the said old Road shall no longer be considered public; provided always, that the altered or new part of the Road shall, in the opinion of the Commissioners, be made equally as good and as passable for travellers as the old Road, before the latter shall be shut up and enclosed as aforesaid.

Unnecessary Roads
may be shut up on
consent of owners,
&c.

XIV. And be it enacted, That the Commissioners of Highways in the respective Towns or Parishes for which they shall be appointed, be and they are hereby authorized and empowered, by and with the consent of all the owners of the land over which any Road may pass, to shut up and stop the same; provided that the said Commissioners shall be of opinion that such Road shall not be required for the convenience of the inhabitants of the Town or Parish in which any such Road is situated, or of the inhabitants of the next adjoining Towns, Villages and neighbourhoods.

Return of
Highways laid out,
altered or shut up,
to be made to the
Clerk of the Peace
for registry.

XV. And be it 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, altered or shut up, as the case may be, and sign the same; and within three months after such Highway or Road shall be laid out, altered or shut up as aforesaid, make a return thereof into the Office of the Clerk of the Peace for the County in which such Highways or Roads are situate, to be by such Clerk entered in a Book kept for that purpose, which return shall distinctly designate the marks, bounds and lines by which the Highway or Road so laid out, altered or shut up, may be known and ascertained; 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 or Clerk of the Peace 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 in the same manner as directed in and by the twenty third section of this Act.

Illegally altering,
stopping up, or
encroaching on
Streets or High-
ways.

XVI. And be it enacted, That if any person or persons do or shall hereafter alter, stop up or encroach on any Street, Highway or Public Road, by laying timber, wood, rubbish, stones, carts, trucks, or any thing thereon, or by having gates or doors opening towards and hanging over the Streets, Highways, or Public Roads, such persons so offending contrary to the true intent and meaning of this Act, shall for every such offence forfeit the sum of forty shillings, to be recovered, with costs of suit, before any one Justice of the Peace, upon the oath of one or more credible witness or witnesses, and levied by Warrant directed to the Constable of the Town or Parish where such offence shall be committed, by distraining the goods and chattels of the offenders; and where no such effects are to be found, the offender or offenders to be imprisoned for six days; or in case such offender shall not be known or found, the said articles (if saleable) shall be forfeited and sold by the order of the said Commissioners, or the Surveyor, after three days public notice, unless sooner claimed, and the proceeds arising from such sale shall be applied to the repairing of such Streets or Highways; and in case such encumbrances be of a nature not to produce any thing by the sale thereof, then the said Commissioners or Surveyors shall be empowered to employ any person, liable to labour on the Highways, to remove such encumbrances; which person shall be allowed therefor according to the time he may be employed, to be deducted from the time he shall be by law liable to work on the Roads, Streets or Highways.

Penalty & recovery.

Highways, &c. to be
maintained by the
inhabitants of
eighteen years and
upwards.
Exceptions.

XVII. And be it enacted, That the Highways, Roads, Streets and Bridges within each County, shall be cleared, maintained and repaired by the inhabitants thereof, and that all male inhabitants of the age of eighteen years and upwards, (with the exception of all denominations of regularly ordained Clergymen, not having property for which they are liable to be assessed for labour under the provisions of this Act, and licenced Schoolmasters actually employed as such, not having property for which they are liable to be assessed for labour under the provisions of this Act, and Emigrants arriving from Great Britain or Ireland, who shall