

row, with two oxen or two horses, with a competent driver, agreeably to such direction of such Surveyor, or to be liable to imprisonment for a space of time not exceeding six days in the manner in the same section mentioned.

XXV. And be it enacted, That in all prosecutions against delinquents for the recovery of fines under any of the provisions of this Act, it shall and may be lawful for the Justice before whom any prosecution shall be instituted, on application by the Commissioner or Commissioners suing for such fine, and upon oath made by such Commissioner or Commissioners, or the Surveyor, or other person, of the offence or delinquency committed, to issue a *Capias* against such delinquent, and to hold him to bail for the amount of the fine sought to be recovered, in which case, the *Capias*, Bail Bond, return and proceedings generally shall be, as near as may be, in manner and form pointed out, made and provided in the said Act passed in the fourth year of His late Majesty King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*.

In prosecutions Justice may issue a *Capias* on the oath of a Commissioner or Surveyor.

4 W. 4. c. 45.

XXVI. And be it enacted, That during the intervening time between the finishing the Statute Labour in any one year, and commencing the same in the next succeeding year, it shall and may be lawful for the Commissioners of Highways, or any one of them, in the several Towns and Parishes within this Province, to direct the Surveyors of Highways, or any of them, from time to time, as occasion may require, to remove all trees and windfalls from and out of the Roads, and to repair all Bridges and all such parts of the Highways that shall require reparation and amendment within their respective Districts, and also to provide such materials as may be necessary for making and repairing such Roads and Bridges; and the said Surveyors or any of them, are hereby authorized and required when so directed, to summon so many of the inhabitants of the said Parish as may be necessary to work after such manner as the said Surveyor or Surveyors shall direct, in removing such trees or windfalls, and in repairing such Roads and Bridges, and also in providing such materials as may be necessary for such reparation and amendment; and all persons keeping any wagon, carts, trucks, sleds, or teams, shall when called upon by such Surveyor for the purposes aforesaid, attend with the same; which work and labour when so performed, shall be deducted from, and allowed as a part of the number of days such person may be obliged by law to work on the Highways; and any person not attending, or refusing to work as aforesaid, shall forfeit the sum of four shillings for each day's neglect, and also the sum of eight shillings per day for refusing or neglecting to furnish such carts, wagons, trucks, sleds, teams, to be sued for and recovered and applied, as is directed in and by the twenty third section of this Act.

Windfalls may be removed, bridges repaired, &c., between periods of performing Statute Labour.

Inhabitants may be summoned to do so.

Work then performed to be allowed for.

XXVII. And be it enacted, That the Commissioners of Highways and Roads for each Town or Parish, or any one 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, or any of them, for the said Town or Parish, to summon forthwith so many of the inhabitants as the said Commissioners, or any of them, shall in his or their discretion think necessary, to work after such manner as they, the said Surveyors, shall direct, in cutting or carrying bushes, or making 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 day's neglect, to be sued for, recovered and applied as is directed in the twenty third section of this Act; 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.

After ice made and snow, parties may be summoned to work in getting bushes, &c.

Rivers when frozen to be considered part of the Parish.

XXVIII. And be it enacted, That every person keeping a team shall be obliged forthwith, on being summoned by the said Surveyor or Surveyors, to send his horse, horses, or team, with a competent driver, to work in such manner as the said Surveyor or 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 Surveyor or Surveyors shall direct, the owner of the said team shall forfeit the sum of eight shillings, to be sued for, recovered and applied as is directed in the twenty third section of this Act.

Teams to be forthcoming with drivers on requisition.

XXIX. And be it enacted, That the said way shall be marked in such place as the said Commissioner or Commissioners shall direct, with ever-green 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

Winter Roads to be marked with bushes.