

CAP. XVIII.
An Act relating to Highways.

Section.	Section.
1. Cap. 66, Revised Statutes, repealed.	24. Surveyors to report defaulters to Commissioners; who shall proceed, &c.
2. Parishes, division of; appointment of Commissioners and Surveyors.	25. Wagons, &c. to be furnished when required; penalty.
3. Commissioners to lay out highways.	26. Delinquents may be held to bail.
4. Alterations, when and how to be made.	27. Windfalls, removal of; bridges and roads, intermediate repair of.
5. When objected to, procedure.	28. Preparations for marking ways after snow.
6. Roads, when deemed public highways.	29. How winter roads to be marked.
7. Damages by roads to improved lands, how ascertained.	30. Destroying marks; penalty.
8. Sessions to order payment.	31. Snow to be shovelled and winter roads broken in addition to statute labour.
9. Certain roads to be reported to the Sessions.	32. Bells to be attached to horse-sleds, &c.
10. Private roads, how laid out.	33. Statute labour may be applied to secure River bank in certain places.
11. Public roads, width of.	34. To be performed when most practicable, and returns made.
12. Fees of jurors, &c.	35. Commissioners to make returns with vouchers; balances. Form of return.
13. Old roads, when not considered public.	36. Commissioners exempt from statute labour.
14. Useless roads, when to be shut up.	37. Balances of money and other receipts to be paid to County Treasurer.
15. Return to be made of highways laid out; penalty for neglect.	38. On Commissioners' neglect to render Accounts, proceedings.
16. Illegally obstructing highways, penalty.	39. Fees of Constables and other officers to be paid by Sessions.
17. Roads, how to be maintained; scale of labour. Indigent persons how relieved.	40. Prosecutions for penalties to be within six months.
18. Estates of females, minors, and non-residents to be assessed.	41. Appeal in cases of over-assessment.
19. Lists of labour to be performed to be published, and Surveyors instructed.	42. Conditions of appeal.
20. Money in lieu of labour may be received; expenditure.	43. Not to interfere with local laws.
21. Surveyor's duty as to performance of statute labour.	44. Proceedings to effect the object of this Act, in incorporated Counties.
22. Surveyors to make return, to whom and when.	
23. Names of residents or of persons employed to be given to Commissioners; penalty.	

Passed 12th April 1855.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Chapter 66, of the Revised Statutes, "Of Highways," is hereby repealed.

2. The Sessions are authorized, if they see fit, to divide each Parish into as many Districts as there are Commissioners, and to appoint or assign a Commissioner, with as many Surveyors to each District, as they think necessary. The Commissioners and Surveyors to enforce and superintend the performance of the Statute Labour in their respective Districts, and to make due return thereof.

3. The Commissioners shall lay out such public highways as they consider best adapted for public accommodation.

4. When any public highway shall in the opinion of such Commissioners require alteration, they shall give the inhabitants of the Parish one month's notice of the intended alteration, by posting up such notice in at least three of the most public places in such Parish. At the time and place specified the Commissioners shall attend, and proceed to make such alterations, unless the owner of the land over which the road may pass, or one third part of the owners or occupiers of land in such Parish, object.

5. Such objection being made, a Justice, on the application of five freeholders of such Parish, shall issue his Warrant directed to any Sheriff or Constable within the County, commanding him to summon five disinterested owners or occupiers of land in the said County, who shall be sworn to examine the said road; the said Justice shall also subpoena such witnesses as either party may require. Any person served with such subpoena neglecting to obey the same, shall incur a penalty not exceeding five pounds, to be paid to the Commissioners for the use of the roads; the expenses of such witnesses shall be estimated by the jurors, and paid as they may direct. If the jury determine that the alteration shall be made, the Commissioners shall proceed to make the same accordingly, but in no case shall any road be taken possession of, or be deemed dedicated to the public, until the damages (if any) assessed be paid. Should the road so laid out or altered as aforesaid extend upon any improved land, or occasion the removal of any buildings

or fences, the damages in such case shall be assessed by the said jury at the time aforesaid. If in any such alteration a new road be opened, and the old road or any part of it be shut up and revert to the owner of the land on which said new road may pass, the jury shall take into consideration the value of such old road, or any part thereof so shut up, in diminution of damages. Where roads are laid out, altered, or extended under any law relating to highways, and the damages (if any) paid as aforesaid, the Commissioners or Surveyors may enter upon and open such roads, and remove therefrom any obstructions.

6. All roads not recorded, upon which public money has been expended, are hereby declared public roads or highways.

7. The damage to the owner arising from any public road to be laid out through his improved land, or from the removal of any obstructions, shall, on his application, be ascertained by a jury summoned as directed by the fifth Section of this Act. The Justice issuing the Warrant shall preside at the Inquest.

8. The Commissioners shall lay the assessment of damages by the jury before the Sessions, who shall order payment therefor in such proportions by such Parishes as they may deem just, and issue their Warrant therefor, to be assessed and collected as County rates, and paid to the person entitled thereto.

9. Any such road intended for the convenience of a particular district, whether wholly in one Parish or between two or more Parishes, shall be reported by the Commissioners to the Sessions, specifying the bounds and limits thereof, and the names of the persons residing therein. If the Sessions adopt the report, they shall appoint two or more Assessors within such district, who shall assess the damages sustained in laying out such road, upon such residents, to be levied and collected as County rates.

10. The Commissioners, upon application for a private road, shall view the same, and upon the written consent of the owner of the land, may lay out the road; if the owner object, a jury shall be summoned as directed by the fifth Section of this Act, at the instance of the Commissioners or parties interested, which jury shall determine as to the necessity of the road; and if necessary, and the parties disagree as to value and damages, they shall proceed to assess the same, and when assessed, the amount shall be paid to the owner of the land through which the road passes. The expense of laying out such road shall be paid by the applicant, and no such road shall be laid out more than two rods wide against the consent of the owner.

11. Public roads shall not be more than six nor less than four rods wide, at the discretion of the Commissioner.

12. Each juror summoned as aforesaid shall be entitled to two shillings and six pence, and the officer summoning, ten shillings; the whole sum necessary to meet such expenses shall be paid to the Commissioners by the applicant previous to the issuing the Warrant. The Commissioner shall pay the officer and the jurors their fees on the return of the verdict in all cases connected with a public road; if the jury return an affirmative verdict, such expenses shall be included in the assessments provided in the eighth and ninth Sections of this Act, collected as therein directed, and paid to the person advancing the same.

13. On any alteration being made in any road pursuant to this Act, and the parts between the points of such alteration shall not be settled by the erection of dwelling houses thereon, or when the same shall not cut off any proprietor from the road so altered, the Commissioners shall direct that the said points between such alteration shall be stopped up and enclosed by