

Section.	Section.
9. Roads on which public money expended,—public highways.	25. Destroying bushes, penalty and application.
10. When Commissioners may direct old roads to be stopped up after alteration.	29. Persons liable to statute labour to be summoned to break roads with teams in addition to statute labour; penalty for not attending.
11. Roads to be marked out with stakes, and return made to and recorded by Clerk of the Peace; penalty for neglect.	30. Statute labour may be applied to secure River bank in certain parts of Sunbury and Queen's.
12. Penalty for obstructing, &c. any public road; application of same, and mode of recovery.	31. To be performed when most practicable, and returns made.
13. Fees to Justices, Jurors, &c. how paid; assessment, how disposed of.	32. Powers of Commissioners under this Act to extend to Great Roads, but not to alterations.
14. General Sessions to issue Warrant of Assessment; mode of assessment and payment.	33. Commissioners to make returns with vouchers, and pay balances; not accounting, proceedings to be taken by County Treasurer.
15. Scale of statute labour, how performed and by whom, and who exempted.	34. Bells to be attached to horse sleds and sleighs.
16. Estates of females and minors, how assessed and paid.	35. Commissioners to file annually list of inhabitants liable to statute labour, to be read at Parish meeting.
17. Assessment upon females and minors not paid, how recovered.	36. Commissioners & Surveyors exempt from statute labour.
18. Assessment list to be published. Sub-districts and number of Surveyors.	37. Commissioners' returns shall be under oath.
19. Money may be paid in lieu of labour, and expended on Roads & Bridges.	38. Commissioners to enforce the performance of all duties required by this Act, and recover fines and penalties.
20. Mode of summoning inhabitants to perform statute labour. Carts, ploughs, horses, &c. to be furnished.	39. Form of Return to Clerk of Peace.
21. Surveyor shall make return on oath of persons liable to work, and of delinquents.	40. Any person over-rated may appeal to General Sessions.
22. Names of persons liable to perform statute labour, when required, shall be given by the parties with whom they reside or are employed; penalty for neglect, and recovery.	41. Conditions of appeal.
23. Proceedings against delinquents, and application of proceeds.	42. Penalty for neglect of duty of Commissioners and Surveyor.
24. Waggon and teams to be furnished when required; penalty.	43. Proceedings on Commissioner's neglect to render his account.
25. Obstructions, removal of, by inhabitants, and repairing Roads and Bridges during interval; penalty for non-attendance, and recovery.	44. General Sessions to pay fees of Constables and other officers.
26. Inhabitants to be summoned after snow storm to cut bushes and mark ways; penalty for refusing.	45. Prosecutions against delinquents shall be on complaint and in name of Commissioners.
27. Ways to be marked with green bushes four rods apart; teams to be furnished; penalty for refusing.	46. Party may be held to bail.
	47. Prosecutions for forfeitures to be commenced within six months.
	48. Not to interfere with Local Laws now in force.
	49. In incorporated Counties, Council may make Bye Laws to effect the object of this Act.
	50. Forms of proceedings under this Act.

Passed 23rd April 1862.

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

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*; also an Act made and passed in the twenty first year of the same Reign, intituled *An Act to alter and amend an Act intituled 'An Act relating to Highways'*; also an Act made and passed in the twenty second year of the same Reign, intituled *An Act to amend an Act intituled 'An Act relating to Highways'*; and also an Act made and passed in the twenty third year of the same Reign, intituled *An Act further to amend the Law relating to Highways*, be and the same are hereby severally repealed.

2. The Justices in their General Sessions are authorized, if they shall see fit, to divide each Parish into three Districts, and to assign one of the Commissioners and a sufficient number of Surveyors, to each district; the Commissioner and Surveyors to enforce and superintend the performance of the statute labour for such district only, and to make due return thereof.

3. When application shall be made to the Commissioners in writing, by three or more freeholders, to lay out, alter or extend any public highway over any lands, and if the owner or owners of such lands shall not consent thereto, such Commissioners shall apply to a Justice of the Peace for a Warrant, who is hereby required to grant the same, directed to the Sheriff, Deputy Sheriff, or any Constable within the County, commanding the same to summon five disinterested freeholders of the County, not resident in the Parish where the proposed road is situate, at a certain time to be named in such warrant,

to examine the proposed road, alteration, or extension, so applied for, the said Commissioners, or any two of them, to be present at the same time; and if the said Jury, who are to be sworn by any Justice of the Peace, find that such road, alteration, or extension is necessary, the said Commissioners, or any two of them, if they approve of such finding, shall lay out the same immediately, after which the Jury shall be duly sworn to assess the damages, and shall forthwith proceed to assess the same; and the said Jury, in their assessment of damages, shall take into consideration the benefit, if any, to the owner of such lands by the laying out such roads.

4. No such road shall be open for public use until the damages assessed be paid to the owner or owners of the land, unless the said owner or owners thereof shall consent in writing to the opening of the same.

5. When any two of the Commissioners shall deem it necessary to lay out any highway over any lands, and the owner or owners consent in writing that such highway may be laid out and opened, the Commissioners may proceed to lay out and open the same, and such consent in writing shall be filed by the said Commissioners with the return of such highway.

6. 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 the 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 on and open such roads, and remove therefrom any obstructions.

7. 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 roads; if the owner object, a Jury shall be summoned as hereinbefore directed, at the instance of the Commissioners, or party or parties interested, which Jury shall determine as to the necessity of the road, and if deemed necessary, and the parties disagree as to damages, they shall proceed to assess the same; and when assessed, the amount shall be paid the owner or owners of the land through which the road passes, before such road be opened for use, unless such owner consent in writing to open the same; the expenses of laying out the road, as provided by the fifteenth Section of this Act, shall in the first place be paid by the applicant, and no such private road shall be laid out more than two rods wide, against the consent of the owner of the land through which it passes; provided that no buildings shall be erected within two rods of the centre of the said road so laid out.

8. Public roads shall not be more than six nor less than four rods wide.

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

10. 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, or when the same shall not cut off any proprietor from the road so altered, the Commissioners shall direct that the portions intended to be discontinued, shall be stopped up and enclosed by the proprietor of the land between such points, after which the old road or such part thereof shall not be considered public, but the Commissioners shall not so direct until the new road be good and passable.