



CAP. VI.

An Act relating to the Great Roads of communication through this Province.  
Passed 1st March 1837.

**WHEREAS** it is expedient that the several Acts now in force, relating to the great roads of communication in the Province, should be repealed, and a more effectual system established for the regulation and improvement of the said roads;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the Reign of His late Majesty King George the Fourth, intituled "An Act to repeal all the laws, now in force relating to the establishment, regulation and improvement of the great roads of communication through the Province, and to make more effectual provisions for the same;" also an Act made and passed in the sixth year of the same Reign, intituled "An Act to alter and amend the laws now in force for the establishment, regulation and improvement of the great roads of communication through the Province;" also an Act made and passed in the eighth year of the same Reign, intituled "An Act to alter and amend the laws now in force, relating to the establishment, regulation and improvement of the great roads throughout the Province, and to make more effectual provision for the same;" also an Act made and passed in the second year of the Reign of His present Majesty, intituled "An Act to amend an Act, intituled 'An Act to repeal all the laws in force relating to the establishment, regulation and improvement of the great roads of communication through the Province, and to make more effectual provision for the same;'" also another Act made and passed in the same year, intituled "An Act to alter and amend the laws now in force for the establishment, regulation and improvement of the great roads of communication through the Province;" also another Act passed during the same year, intituled "An Act to alter and amend the laws now in force for the establishment, regulation and improvement of the great roads of communication through the Province;" also an Act made and passed in the third year of the reign of His present Majesty, intituled "An Act for the further amendment of the Acts relative to the great roads of communication;" also an Act made and passed in the sixth year of the reign of His present Majesty, intituled "An Act to establish the road leading from Houlton to Woodstock, one of the great roads of communication in this Province;" and also another Act made and passed in the same year of the same reign, intituled "An Act to establish the road leading from Connick's at Waweig in the County of Charlotte, to the lower bridge over the River Saint Croix, as one of the great roads of communication;" be and the said several Acts are hereby repealed, except so far as any of the said Acts may repeal the whole or any part of any other Acts.

II. And be it enacted, That the roads as herein described be and they are hereby continued, appointed and established to be the great roads of communication through the Province, that is to say, that the road leading from Fredericton to Saint John by way of the Nerepis, be by the following line or route, that is to say, from the Market House in Fredericton by the present route to the mouth of the Oromocio River, thence across the said River and through the field of John Hazen, Esquire, to the great road in rear of the said field, thence to Vaughn's Point, thence across the inlet at the head of South Bay to the point where the said great road divides into two branches, one of which leads to John Harding's on the Manawagonis road, and from thence by the present route to the Carleton Ferry, and the other to Lovett's Point opposite to Indian Town.

That the road leading from Gage Town to the Nerepis road, be by the following line or route, that is to say, from the Court House in Gage Town along the present Highway, leading towards Dingee's Mill, until it meets the road leading from Gage Town, to the Nerepis great road, thence through the Summer Hill and Cote Hill Settlements, until it meets the aforesaid Nerepis road, leading from Fredericton to Saint John.

That the great road leading from Saint John to Saint Andrews, be by the following line or route, that is to say, from Carleton to Musquash, thence to Magaguadavic, thence to Digdeguash, thence to Chamcook, and thence to Saint Andrews.

That the great road from Fredericton to Saint Andrews, be by the following line or route, that is to say, from the Market House in Fredericton by the residence of the Honorable Thomas Baillie, through the Hanwell Settlement, thence to the River Magaguadavic, near Brockway's, thence by the Flume Ridge to McFarlane's Mills, on the River Digdeguash thence to Connick's, thence to Gilman's, and thence to Saint Andrews.

That the great road from Connick's at Waweig in the County of Charlotte to the lower bridge over the River Saint Croix, be by the following line or route, that is to say, from Connick's at Waweig round the head of Oak Point Bay, and thence through the town of Saint Stephens to the lower bridge over the River Saint Croix.

That the great road from the City of Saint John, to the Nova Scotia line, be by the following line or route, that is to say, from the City of Saint John to the bridge over Hammond River near Ketchum's, thence by the present route to Hampton Ferry, thence to Sussex and through that Parish to Alexander McLeod's, thence by the new road, round the Portage Hill, to where it joins the old road near Leake's Farm, thence to the new bridge over the Petticodiac River, thence along the said River to the Bend, thence through the Portage between Petticodiac and Memramcook Rivers, thence across Memramcook River by the bridge, to the Court House in Dorchester, thence through the Portage to Sackville, thence by the road leading over the great Marsh, to the Missiguash, the Boundary Line of the Province, to join the Post road of Nova Scotia.

That the great road leading from the Bend of the Petticodiac River in the County of Westmoreland to Shediac, be by the following line or route, that is to say, from the Bend of the Petticodiac River by the present road to Shediac.

The great road from Dorchester to Chatham to commence at the angle of the line of the great road, from Saint John to the Nova Scotia line, on the East side of the Memramcook River bridge, thence by the present line of road to the Ferry over the River Richibucto near George Platt's, thence following the present line of road by the head of Daigle's Creek, to Napan, and from thence to the Village of Chatham, through the Chatham Joint Stock Company's lot.

That the road from Hopewell in the County of Westmoreland to Salisbury be by the following line or route, that is to say, commencing at Isaac Dorry's, and extending thence by the present road to John Calhoun's, thence to McLatchey's Creek in Hillsborough, thence by the road as now travelled to George Colepitt's in Coverdale, and thence to the great road near Alexander Wright's.

That the road from Fredericton to the Finger Board be by the following line or route, that is to say, from the Market House in

Fredericton, across the River Saint John to the lower side of the Nashwaak, thence to the Parish of Maugerville, thence following the present road through that Parish, and the Parishes of Sheffield and Canning, to William Colwell's Farm, thence across the Jemseg and following the new line of road, lately explored by William Foshay and John Earle, crossing the Washademoak Lake at White's Point, to the old road, thence by the present route to the Finger Board, on the great road from Saint John to the Nova Scotia line.

That the road from Saint John to the head of Belleisle be by the following line or route, that is to say, from the forks of the road on the Great Marsh near Saint John, through the Moose path road by Charles Clark's, and the Honorable William Black's farm, thence by the same road to Gondolo Point, thence crossing the river Kennebecasis to George Burgess' Farm, thence following the road to the eastward of Bates' Mill pond, and through the Middle Land Settlement by way of Lewis Pickitt's to the Guthrie road so called, thence by the road last mentioned to the head of Belleisle Bay, meeting there the great road leading from Fredericton to the Finger Board.

That the great road leading from Fredericton to Newcastle and thence to Restigouche be by the following line or route, that is to say, crossing the river Saint John at Fredericton to the upper ferry, commonly called Everitt's Ferry, thence north easterly or thereabouts through the woods, to Atherton's on the west side of the Nashwaak, agreeably to the line as near as may be explored and recommended by Alexander Goodfellow, David Crocker and Robert Wasson, the Commissioners appointed by His Excellency the Lieutenant Governor, to examine the road from Swim's Ferry on the south west Miramichi to Fredericton, in pursuance of a resolution of the House of Assembly in the Session of one thousand eight hundred and thirty five, thence up the Nashwaak, following the courses recommended by the said Commissioners, as near as may be to McPherson's, thence crossing the Nashwaak at McLaggan's mill, about two miles below McLeod's, thence across the Portage to Boies Town, also agreeably to the line recommended by the said Commissioners in their report, and laid out, opened, and made by the Supervisors on that road, viz: Goodfellow and Crocker, the last year, thence from Boies Town, on the South side of the south west branch of the river Miramichi, down to Hunter's or Bliss' farm, thence crossing the said branch of the river Miramichi to the north side, thence down on the last mentioned side till it strikes the new road, at or below Swim's Ferry, thence to continue down on the same side of the said river, following the new road to the lower end of the straight line below Decantlin's thence to Doak and McLaggan's mills on Bartholomew's river, thence to Indian Town, thence following the road as at present made and travelled to the north west branch of the Miramichi river, to a little above, or to the north of Baubear's Point, thence crossing the said north west branch, to Newcastle, thence to Alexander Goodfellow's farm, thence through the woods agreeably to the road at present travelled to Forein's, and from thence to Campbellton as follows, on the present line from Forein's to the Shire Town at Bathurst, and from thence to cross the middle river of Bathurst from the public landing near Joseph Road's wharf, and continue in a direct line to Deacon's landing from thence to Tattigouche bridge, and from thence to Armstrong's bridge, thence to cross at the mouth of the Jacquet river, and to continue to Benjamin's bridge, and pass near to McPherson's house, thence to River Charlo, at or near the head of the tide, thence to cross at the mouth of Eel river thence on the present laid out line to Dalhousie and from thence, on to Campbellton to terminate immediately opposite the entrance of the Kempt Canada road.

That the road leading from Fredericton to the Canada line, be by the following line or route, that is to say, from the Market House in Fredericton on the west side of the river Saint John to Burgoyne's ferry thence across the river Saint John to the east side of the said river, thence on the east side of the said river, to Pennington's bridge on the great road leading to Joseph Woolverton's in the Parish of Northampton, thence across the said river Saint John to Mr. Fraser's lower farm in Woodstock, thence to the Garrison at Presqu' Isle, thence across the lower Presqu' Isle Creek, near the mouth of the river Restook, thence across the said river near its mouth, thence to the Grand Falls, and from thence to the Canada line through the Madawaska settlement.

That the great road leading from Woodstock to Houlton be by the following line or route, that is to say, from the great road leading to the Canada line at Woodstock corner, thence through the Richmond settlement to the American Line, to meet the Bangor road, through Houlton.

III. And be it enacted, That all the before mentioned great roads, shall be four rods wide and shall be opened and worked of such width as the Supervisors in their respective districts, shall deem necessary, not exceeding the width aforesaid.

IV. And be it enacted, That the Lieutenant Governor or Commander in Chief of the Province for the time being, by and with the advice of His Majesty's Executive Council, is hereby authorized and empowered to appoint fit and proper persons, to be Supervisors of the said great roads respectively, or such parts or portions thereof, as the said Lieutenant Governor or Commander in Chief by and with the advice aforesaid may deem proper; provided that no Supervisor shall have more than one hundred and fifty miles of roads under his superintendence.

V. And be it enacted, That every Supervisor appointed under and by virtue of this Act, shall give security, by bond to His Majesty, His Heirs and Successors, with two good and sufficient sureties to be approved of by His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council in double the amount such Supervisor may have to expend, conditioned for the faithful performance of the duties requested of him, and for the accounting for all public monies intrusted to him; such security to be taken in double the amount granted for the road under his superintendence.

VI. And be it enacted, That the respective Supervisors, appointed under and by virtue of this Act, except in cases hereinafter mentioned, shall have sole ordering of the repairs and alterations, which may be necessary for the completing the said roads within their respective limits or districts, and keeping them at all times, during their continuance in office, in the best possible state of repair, and for the purpose of making any alteration they may deem necessary, such Supervisors respectively shall have power and authority and they are hereby authorized to enter upon the lands of any proprietor or proprietors through which it may be thought desirable to make any alteration, in order to make the necessary exploration and survey, preparatory to such alteration, doing no unnecessary damage thereto: Provided always, that nothing in this Act contained, shall extend or be construed to extend to deprive the several Commissioners of highways in their respective Parishes of the power of directing the application of the statute labour of the inhabitants of the said Parishes either upon the great roads or other roads within the same, as to the said Commissioners may appear most conducive to the public good: Provided always, that the said Commissioners shall in no case have the power of altering any great road or roads, but are hereby respectively required, in all cases where they may deem it necessary to expend the statute labour or any part thereof on any of the great roads of this Province,

to adhere to the lines already laid out and established by law; or that may be laid out in pursuance of any law now in force or that may hereafter be in force for that purpose.

VII. And be it enacted, That each and every Supervisor so to be appointed, shall in the spring of the year, when the ground is free from snow, and ice, carefully examine the whole of the road under his superintendence and shall lay off and mark out such allotments as may conveniently be contracted for, in order that the making, or repairing of the same, may be let by auction to the lowest bidder; and in all such cases, such Supervisors respectively are hereby required to put up a sufficient number of notices, not less than ten days previous to such sale, in three or more of the most public places in the neighbourhood where the work is to be done, which notices shall specify and describe the work so to be performed, and also the place, day and hour, when and where the same will be let at auction as aforesaid, and it shall further be the duty of such Supervisors respectively, to attend personally at the time and place so appointed, and there to let out to the lowest bidder, the several and respective allotments, and at the same time to enter into written contracts with sufficient sureties, for the faithful performance of the work, in time and manner set forth in such contracts; and in cases where the work required to be performed, cannot conveniently be let by auction, it shall be the duty of the said Supervisors to agree with fit and proper persons to perform the same by day's labour, provided that the sum expended by days' work shall in no case exceed twenty per cent. of the amount to be expended on the said road.

VIII. And be it enacted, That the Supervisors shall cause all turnpiking, ploughing and throwing up of the said roads to be performed previous to the first day of October in each and every year, and shall not permit any Contractor or day labourer to perform such work on the roads under his charge after that date.

IX. And be it enacted, That all the contracts and also all the wages of labourers hired by the day as aforesaid, shall be paid by the said Supervisors in money, and the said Supervisors shall respectively keep an exact account of the expenditures of all sums of money received and paid by them respectively for the great roads, and shall produce receipts in writing from the several and respective persons to whom any part of the said sums of money shall be paid, as vouchers for the payment, and shall render an account thereof under oath (which oath any Justice of the Peace in the several and respective Counties is hereby authorized to administer), to be transmitted to the Secretary of the Province, for the inspection and examination of the General Assembly.

X. And be it enacted, That all fences, timber, wood, stones, boards, plank and rubbish of any kind, which shall be found to remain upon any part of the said great roads, after six days previous public notice by the respective Supervisors to remove the same, shall be forfeited; and it shall and may be lawful for the said Supervisors respectively or any of them, without any suit or process at law whatsoever, to cause all articles so found to be seized and disposed of in such way and manner as he or they may think proper, and if the same shall be sold, the proceeds of such sale shall be applied by the said Supervisor or Supervisors for the repairs and improvement of such roads.

XI. And be it enacted, That in case it shall be necessary or expedient for the Supervisors in their respective Districts to go out of the said roads to procure materials for the repairs of the same, it shall and may be lawful for the said Supervisors respectively when from the absence or obstinacy of the owner or possessor of the soil, no agreement can be made with him, to enter with workmen, carts, carriages and teams upon any uncultivated lands, and therefrom to dig, take and carry away for the repairs of the said road stone or gravel, and also to cut down and carry away trees and bushes, for logs, poles and brushwork, to repair the same roads, and the damage done thereby shall be appraised and ascertained by the judgment of three indifferent Freeholders, to be nominated by a Justice of the Peace for that purpose; and the sum so ascertained shall be paid or tendered by the Supervisors respectively to the owner or possessor of the soil, if demanded within six months after such appraisal.

XII. And be it enacted, That the said Supervisors for the respective districts shall not make any alteration in any part of the great roads within their respective districts, through any improved lands without the consent of the owner or owners thereof, or agreeing with or paying to him, her or them the value of the said improved land so to be laid out into such public road, with such damages as he, she or they may sustain by the said road, and in case they cannot agree, then the true value to be set and appraised by five disinterested Freeholders to be nominated and appointed by two Justices of the Peace, on the oath of such Freeholders, which oath any one of the said Justices is hereby authorized and required to administer, and the amount of such value and damages, with the incidental expenses, shall be defrayed by the Supervisors of the respective districts out of the monies to be granted for the use of the said great roads.

XIII. And be it enacted, That the proprietor or proprietors in the possession, either by themselves or by tenants holding under them of any lands through which it may be necessary to lay out a public road, shall be deemed to be the owner or owners of such lands, to whom the value thereof and the damages sustained are to be paid under the provisions of the previous section of this Act, notwithstanding that such lands may be under mortgage or other incumbrance; and that the freeholders appointed to set and appraise such value and damages, shall also inquire and return in their verdict who are such owner or owners to whom such value and damages are to be paid, and upon payment of such value and damages to the person or persons whom the said freeholders shall so return in their verdict to be the owner or owners of such lands, or upon tender and refusal thereof, such Supervisor shall be fully authorized to lay out such public road through such lands; and in case any such alteration lies on the border of two adjacent Counties, so as to extend into both, or to render it doubtful as to which of the two Counties the said alteration may be situated in, the Justices and the said Freeholders may belong to either County, and the proceedings had by them shall be as valid and effectual as any proceedings under the provisions of this Act; and if any person or persons who may, by any of the provisions of this Act, be found entitled to receive any sum or sums of money, and on due tender thereof shall not accept of and receive the same, and shall not apply for the same within six calendar months after such tender, then the Supervisor or Supervisors shall pay the same into the Province Treasury to be disposed of under the direction of the Legislature, and that the Treasurer or Deputy Treasurer to whom such payment shall be made, shall be accountable for the same, and shall give such Supervisor a receipt for the sum so paid, which shall be a sufficient discharge to such Supervisor or Supervisors for the same.

XIV. And be it enacted, That if any person or persons do or shall hereafter alter stop up, or encroach upon, any of the great roads of communication through this Province in any manner whatever, such person or persons so offending contrary to the meaning of this Act, shall for every such offence forfeit the sum of two pounds, to be recovered with costs of suit before any one of His Majesty's Justices of the Peace for the County where such offence shall be committed, upon the oath of one or more credible witnesses