

The Provincial Statutes of Lower-Canada, Being the Fourth Session of the First Provincial Parliament of Lower-Canada. Quebec: William Vondenvelden, Printer to the King's Most Excellent Majesty, 1796.

36 George III – Chapter 9

An Act for making, repairing and altering the Highways and Bridges within this Province and for other purposes. [7th May, 1796]

Whereas it has been found by experience, that it is necessary to provide more ample and efficacious regulations for the opening of Highways and Roads and Construction of Bridges within this Province, and for the amending and repairing the same: be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America and to make further provision for the Government of the said Province." And it is hereby enacted by the said authority, that all the King's Highways and Public Bridges shall be made, repaired and kept up, under the directions of the Grand Voyer of each and every District within this Province or his Deputy, which Deputy being a fit and proper Person and an Inhabitant of the District wherein he is to act, the several Grand Voyers are hereby authorised to appoint by an Instrument to be executed by them respectively, which appointment shall be notified in the Quebec Gazette, who shall give their Orders subject to the provisions in this Act contained, to the Surveyors and Overseers, to be appointed in manner as herein after is mentioned, in their respective Districts.

II. And be it further enacted by the authority aforesaid, that all the King's Highways shall be thirty feet wide between two ditches, each of three feet wide and of sufficient depth to drain off the water, and where the said Highways are not already thirty feet wide, the Grand Voyer, if he shall think it necessary and practicable, shall cause them to be widened by the persons bound to repair the same.

III. And be it further enacted by the authority aforesaid, that all Occupiers of Lands, whether Proprietors or Farmers, adjoining to the King's Highways, Commonly called, Front Roads, shall make and keep in good repair the said Highways and ditches upon the breadth of their said Lands respectively, and shall also make and keep, in repair the Bridges over ditches or streams of water, as well as the Hills and bridges of the same, which are not declared by the Procès Verbaux of the Grand Voyers or their Deputies respectively, to be such Hills and Bridges as ought to be kept in repair at the public expence. Provided always, that when the keeping in repair of Highways on the breadth of the said Lands, is to be borne by several Proprietors facing each other, every Occupier of a land, whether Farmer or Proprietor, shall keep up his part of the Highway on the whole width thereof, agreeable to the division which shall be summarily and verbally made of the same, by the Majority of

three Overseers not interested therein, who shall draw up a Record thereof, and shall deliver a Copy of it, if required, to each of the parties interested. Provided also, that no Occupier, whether Farmer or Proprietor, whose Land, is not more than thirty Arpents in depth; shall be obliged to make and keep in repair at his own expence, more than one Highway or Road on the breadth of his land, any Law, Procès Verbaux or Custom to the Contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, that the King's Highways extending in depth or Communicating from one Range of Concessions to another, commonly called, Bye Roads (Routes), shall be twenty feet wide between two ditches, each three feet wide and of a sufficient depth to drain off the water, and shall always be made and repaired as far as it may be practicable on the line of division between two Concessions or two Proprietors: and the ditches and half of the fences when the said Roads are on a line of Separation; or when they deviate from such line, the ditches and fences on both sides, shall be made and kept in good repair by those who are or may be bound to make and repair the said Bye Roads (Routes) agreeable to the Procès Verbal drawn up by the Grand Voyer or his Deputy, relative thereto. Provided always, that, so far as regards the keeping in repair the ditches and fences above mentioned, it shall be lawful for the Proprietors who have furnished the Ground for making the said Bye Roads (Routes) and the Majority of those who are or may be charged with keep-ing the same in repair, to agree among themselves respecting the repairs and keeping up the said ditches and fences, such agreement being made in writing before, the Grand Voyer or his Deputy, or before the Surveyor and two Overseers of the Parish, Seigniorie [Seigneurie] or Township; and such agreements shall be binding and obligatory on all the Parties interested therein.

V. And be it further enacted by the authority aforesaid, that all necessary Highways and Roads required to be made in future upon cleared Lands (the front Roads provided by this Act excepted) shall not be opened or made until the value of the Ground marked out for said Highways and Roads by the Grand Voyer or his Deputy, shall have been paid or offered to be paid to the proprietor or proprietors thereof, if he, she or they require it, to be fixed by a Majority of seven Appraisers, three of whom shall be named by the surveyor of the Parish, Seigniorie or Township, three by the proprietor or proprietors and the seventh by the Grand Voyer or his Deputy; and on failure of the said nomination by the Inspector or proprietor or proprietors, the same shall be officially made by the Grand Voyer or his Deputy.

VI. And be it further enacted, that the price of the improved land marked out as aforesaid, for such Highway or Road, shall be paid by the Individual or Individuals who shall have applied for the same, if it be a private Road, or by the proprietors of the Parish, Seigniorie or Township, if it be a public Highway; and the payment of the Ground for such public Highway, shall be apportioned and divided by the Overseers of the Parish, Seigniorie or Township, or by a Majority of them, among the proprietors of the Seigniorie, Parish or Township, to whom it shall be considered that the said Road is most useful in the Procès Verbal thereof, drawn, up by the Grand Voyer or his Deputy and the said payment for such Ground for such public Highway, shall be made into the hands of the Surveyor of the Parish, Seigniorie, or Township,

to be by him paid as is herebefore enacted: and in case any one shall refuse to pay his proportion, agreeable to the apportionment of the Overseers as aforesaid, it shall then be the duty of the Surveyor of the Parish, Seignior, or Township, to prosecute at Law the person or persons so refusing, for his or their said proportions.

VII. And be it further enacted by the authority aforesaid, that the King's Highways to be made through wood lands not yet granted by the Crown, or through wood lands in any Seignior, Fief or Township not conceded by the Original Grantees of the Crown, also Highways to be made through Lands, which although conceded by such Original Grantees may be deserted, shall be opened, made, repaired and kept up by the persons that are more particularly benefited thereby, in proportion to their lands or concessions and to which the Seigneurs or Original Grantees of the Crown shall contribute, in proportion to the private Domains respectively reserved by them, and to which Domains any such Highways shall be of utility: and such Highways shall be made, repaired and kept up by the persons as abovesaid, mentioned in the Procès Verbals drawn up by the Grand Voyer or his Deputy for the purpose, until such time as the Lands running along such Highways respectively, shall be conceded by the Original Grantees thereof, or be reserved as a private Domain, or be put into a state of improvement or be inhabited, and so soon as lands shall be so conceded or be reserved as a private domain or be put into a State of improvement or be inhabited, the Occupiers shall make, repair and keep up their respective parts of any such Highway, if the same be considered as the front road belonging to such lands; and shall also make, repair and keep up their respective shares of every other joint Highway to which they are respectively obliged by this Act.

VIII. Provided always, and it is hereby enacted, that every person who shall have deserted lands conceded to him by the Original Grantees thereof, without legally giving up his Titles thereto, shall incur the penalty imposed by this Act on persons for not making, repairing or keeping up their parts of Highways; and shall also be liable to pay the expences laid out on his part of such Highway during his absence or refusal or neglect to make, repair or keep up the same: and such fine and such expences shall be prosecuted for by any surveyor or overseer as soon as the residence of any such person shall be discovered to or by any such surveyor or overseer.

IX. And be it further enacted by the authority aforesaid, that in all cases where it shall be necessary to turn an old or open a new Highway, or to turn an old or open a new Bye Road (Route) or to change an old Bridge or to mark out a new one, the Grand Voyer or his Deputy, on application made to him by Petition, shall thereon give out an Order fixing the day and hour, when he or his Deputy will attend at some house or place in the Parish, Seignior or Townships where he is to act, and such order shall require all and every one interested to be there personally to give to the Grand Voyer or his Deputy, such information or reasons as either or any of them may think necessary and advantageous. And the said Petition and order shall be published by the surveyor or one of the overseers at the Parish church door, on a Sunday or holyday after the morning service, and if there is no church or accustomed place of worship, the publication shall be made at the church door of the

nearest parish, where the morning service is celebrated, and if there is no church in the Vicinity, then at the most frequented and reputed public place of the said Parish, Seigniorly or Township, on a Sunday, two days at least before the meeting of those interested. And upon the Surveyor or Overseers Certificate of such publication, the Grand Voyer or his Deputy, after having heard the parties interested, so assembled, shall fix the time for visiting the places, in order that the said parties interested may attend if to them it seems meet, and he shall draw up his Procès Verbal by the which he shall grant or reject the whole or part of the said Petition.

X. And be it further enacted by the authority aforesaid, that every Road which shall be opened, leading to a Banal Mill, shall be not less than eighteen nor more than thirty feet in width between two ditches, each of three feet where necessary, and the opening and making of such Road and Ditches with the necessary fences, shall in the first instance be performed one half by the Proprietor or Proprietors of such Mill and the other half thereof by the Inhabitants subject to the banality of the said Mill, regard being had in the division between the said two parties to equalize the labour: and such Roads when so opened and made and also those already opened and made, shall, with the ditches and necessary fences thereof, be divided into fourteen parts, in such manner as that each of such parts shall as nearly as possible be equal in respect to the labour necessary for keeping the same in repair; and when so divided, one of such fourteen parts (being the nearest to such Mill) shall be allotted to the proprietor or proprietors of such Mill, who shall keep the same in repair and the other thirteen parts of the same, shall be kept in repair by the Inhabitants subject to the Banality of such Mill; of which division and allotment a Procès Verbal shall be made by the Grand Voyer or his Deputy; and such Roads shall be under the Inspection and direction of the Grand Voyer or his Deputy and the Surveyor and Overseers, in like manner as King's Highways are by this Act; Provided always, that if a Road leading to a Banal Mill now is or hereafter shall become a King's Highway commonly called a Front Road, or a King's Highway commonly called a Bye Road (Route) the same shall be governed by the Rules and Regulations established by this Act for keeping in repair such Highways respectively.

XI. And be it further enacted by the authority aforesaid, that on each side of all King's Highways whatsoever, that doth or shall pass through any wood, the Trees and underwood shall be cut down for the space of twenty five feet on each side by those who are obliged to keep the said Roads in repair, if the Grand Voyer or his Deputy shall judge it necessary. And it shall be lawful for the Proprietors or Occupiers of such lands, to remove within a year after the said Trees and underwood are so cut down, such part of the said Trees and Underwood as may be of service to them. And in the course of the year following the expiration of said time, the Trees and Underwood or such part thereof as is not removed by the Proprietors or Occupiers of the said lands, shall be taken away by the persons obliged to keep the said Highways in repair; Provided always, that it shall be lawful for the Grand Voyer or his Deputy or the Surveyor or Overseer, to lay aside such part of the wood so cut down as abovesaid, as they may think necessary for the said Highways and the Bridges thereof.

XII. And whereas misunderstandings frequently happen among neighbours, from the overflowing of their ditches on the roads or from a want of outlets to the same, and as also many other inconveniencies have arisen in different parts of this Province, from the want of ditches, which are found to be indispensably necessary for draining Low and marshy lands, through which the King's Highways unavoidably pass, be it enacted by the authority aforesaid, that the Grand Voyer or his Deputy after examining such places, shall take the necessary steps in directing that such ditches and outlets be made, by such persons of the Parish or adjacent Parishes, whom he shall deem the most interested therein, of which he shall draw up his Procès Verbal.

XIII. And be it further enacted by the authority aforesaid, that the Highways passing near unto Precipices, shall be removed therefrom to such distances as the Grand Voyer or his deputy shall direct, and on Highways running along the face of steep hills, the descents shall be made easy, and there shall likewise be placed thereon solid rails, wherever he shall judge it necessary, and such work shall be done by those who are obliged to keep the said Highways in repair.

XIV. And be it further enacted by the authority aforesaid, that nothing contained in this Act, shall be understood to extend to the giving authority to mark out any new Highway or Road, or turn or widen an old one, in such manner as that the same shall pass through any Kitchen Garden or Orchard, that is or shall be enclosed with a wall, board or standing Picket fence or hedge, of any person or persons, or to demolish or injure any house, barn, mill or other building whatsoever, to prejudice any Canal or Mill-dam, or to turn the course of the water thereof: without the Consent of the Proprietor or Proprietors of the same, any Law, Custom or Usage to the Contrary notwithstanding.

XV. And whereas the making of public Highways on certain soils in different parts of this Province, is not practicable but at a great and ruinous expence to the proprietors of the Ground where the Highways must necessarily pass, and that frequently the said Highways belong to poor Inhabitants, whose Land is barren; be it further enacted by the authority aforesaid, that the Grand Voyer or his Deputy after an examination thereof, may cause such proprietors to be assisted from time to time, either for the making or heavy repairs of the same; and he may require by his Procès Verbal, in such manner as is mentioned in this Act, such persons of the neighbourhood or Parish to work thereon, as to him shall seem meet.

XVI. And be it further enactest by the authority aforesaid, that ditches dividing farms or Concessions and little Rivulets crossing the King's Highways, shall be cleansed by those who are obliged to keep the Highways in repair opposite to the outlets of the said ditches and Rivulets, that the waters issuing therefrom may have a free course: and they shall be covered with bridges of logs eighteen feet long; which bridges, when they do not exceed four feet over, shall, in such places as the Grand Voyer or his Deputy may direct, be entirely covered with earth. Public Bridges made by joint labour or Corvées, shall likewise be eighteen feet wide, the sleepers shall be either of Oak, Cedar, Pine, Hemlock or Red Spruce, according to the ease or facility there may be for Conveying such wood; and agreeable to the

order given by the Grand Voyer or his Deputy: the flooring shall be of squared logs of the same wood, pinned down to the sleepers with a Batten on each side, and there shall be a rail of three feet high on each side solidly made of square timber And all water courses, gullies and rivulets over which the said bridges are made, shall be cleansed, if it is necessary, by those who are obliged to make the said public bridges and are named in the Procès Verbal of the Grand Voyer or his Deputy. And all public Bridges already built, or which may be built in future, as well as all public hills kept up by joint labour or Corvées, shall be repaired by the Inhabitants mentioned in the Procès Verbal, and in case of disputes among them, the Grand Voyer or his Deputy shall decide by whom the work ought to be done: and all bridges subject to be raised by the overflowing of the waters, shall be loaded with stones, which shall be carried and placed by those who are bound to build and repair the said Bridges.

XVII. And be it further enacted by the authority aforesaid, that any person whatsoever, either on horseback or in a carriage, who shall trot or gallop over any public bridge exceeding twenty feet in length, shall for every such offence pay a fine of five shillings.

XVIII. And be it further enacted by the authority aforesaid, that the passes of fordable Rivers intersecting the King's Highways, or intersecting Roads upon the Beach, shall as early in the spring as the waters will permit, be cleansed and marked out in a clear manner with poles or branches, by those who are obliged to mark out the winter Roads over such passes, and the Poles or Branches shall be well secured in cross pieces of Timber loaded with stones.

XIX. And be it further enacted by the authority aforesaid, that when the Grand Voyer or his Deputy shall not be required to distribute the work to be done on Public Highways and Bridges, such distribution shall be made and assigned by a majority of Votes of the Overseers of the Parish, Seigniorship or Township, to the Occupiers or Proprietors of Lands specified in the Procès Verbal of the Grand Voyer or his Deputy. And when it shall be necessary to pay Artificers or Undertakers for making or conducting the work to be done on any public Bridge, or to purchase materials for the same, the apportionment of the sum of Money wanted, shall be made by the Majority of the Overseers of the Parish, Seigniorship or Township, and levied at the suit of the Surveyor thereof, on those obliged by the Procès Verbal of the Grand Voyer or his Deputy to work at such Bridge; provided always, that when the apportionments are not made as abovesaid, and until such time as they are made, it shall be lawful for the Surveyors and Overseers in their respective Districts, to order those who are or shall be bound to make or to keep in repair such Highway or Bridge, (agreeable to the Procès Verbal of the Grand Voyer or his Deputy) to work in rotation thereon.

XX. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Justices in their General Quarter Sessions of the Peace, and they are hereby authorised and empowered, to hear, examine and determine all matters and things relatively to Procès Verbaux, that shall be made in their Districts respectively, pursuant to this Act, and in the manner herein after directed; and in all cases, where the Grand Voyer or his Deputy, shall draw up a Procès Verbal in consequence of any requisition to him made, in conformity to this Act, the same shall be deposited with the surveyor of the Parish, Seigniorship or Township

to which he belongs, to be read and published on a Sunday or Holyday at the Parish church door after the morning service, and where no service is performed, then at the most public and frequented place in the said Parish, Seigniority or Township; of which publication he shall draw up, or cause to be drawn up, a Certificate at the bottom of the said Procès Verbal, to which he shall sign his name, or if he cannot write, shall affix his mark, before two witnesses: and the aforesaid Procès Verbal shall remain eight days at the House of the said Surveyor, that the persons interested in the same, may inform themselves thereof, and shall be afterwards registered in the Grand Voyer's office with the Certificate annexed to it; and the Grand Voyer or his Deputy shall make mention in the Procès Verbal to be published as above required, of the day that he will prosecute in the Court of General Quarter Sessions of the Peace for the District, the ratification thereof; and shall deposit the said Procès Verbal in the Clerk's Office of the said Court, eight days at least before the day fixed for its ratification, in order that the persons interested may obtain a Copy and prepare their means of opposition, if any they have; and after the day so fixed for the ratification, no opposition shall be received: and the said Court shall then, or any other day it may rule, hear the Grand Voyer or his Deputy and the opposers or those interested, if any appear, and shall do justice as well in the ratification or rejection of the aforesaid Procès Verbal, in the whole or in part: and the Judgement shall be given to the Grand Voyer by the Clerk of such Court within eight days following, to be annexed to the Register of Procès Verbaux in the office of the said Grand Voyer, and afterwards a Copy thereof to be delivered by him or his Deputy to the aforesaid Surveyor to be put in execution.

XXI. And be it further enacted by the authority aforesaid, that no encroachment, annoyance or nuisance whatever, shall be made or left by any person or persons in any of the King's Highways, or in Roads leading to Banal Mills, under a penalty of five shillings on each offender, who shall also be obliged to remove or take away immediately, at his own expence, all and every such encroachment, Annoyance or Nuisance.

XXII. And whereas the winds in winter, cause in this Province the snow to gather in great heaps, the which prevents the roads being permanently fixed in that season, be it therefore enacted by the authority aforesaid, that the Public Roads in winter, shall be annually fixed throughout the Province, between the first day of October and fifteenth day of November of each Year, by the Overseers in the respective parishes. And the Overseers or a majority of them, shall agree upon the days and places they will meet for determining upon and fixing of the roads in their Districts: and the days and places for such meetings shall be advertised on a sunday or holyday at the Parish Church door after morning service, and where there is no accustomed place of worship, then in the most public part of the Parish, that the persons interested in the said Roads may attend, and that the Overseers or a Majority of them may hear the persons so interested, if any of them appear, and mark out the places where the said Public winter roads should pass; and they shall order the fences to be taken down where it may be necessary, and shall give such orders for the keeping up and repairs of the said Roads, as they may think proper; the which orders shall be followed and obeyed by all persons obliged to the said keeping up and repairs: And if any such person thinks himself injured by the orders given, he may appeal to the Grand Voyer or his Deputy whose

Judgement thereon shall be final. Provided always, that it shall not be lawful for the Overseers to cause to be taken down more than ten feet of any fence whatever, for the passage of the said winter Roads; nor to cause such roads to pass through any Garden or Orchard or field fenced with a quick hedge without the consent of the Proprietor or Occupier of the land through which such road shall pass.

XXIII. And be it further enacted by the authority aforesaid, that all persons obliged by this Act to keep in order, and repair the King's Highways and roads leading to Banal Mills, shall upon the first fall of snow, fix Poles or Branches of spruce, Cedar or hemlock on each side of the Public winter Roads; the said Poles or Branches shall be at least eight feet in length, and shall not be fixed at a greater distance than thirty six feet, one from the other, on each side of the Road: and when they fall or are pulled up, the persons obliged to fix the same, shall replace them without delay, and the said persons shall also be obliged, immediately after a fall or drift of snow which may have filled up the said Roads, to open and beat the same of width sufficient for the passage of one Carriage; and they shall likewise level the Cahots and slopes as soon as they are formed.

XXIV. And be it further enacted by the authority aforesaid, that the Overseers or the Majority of them in each Parish, Seigniorship or Township, so soon as the Ice upon the River Saint Lawrence and upon other Rivers in their District will permit, shall point out where the customary Roads, crossing the Saint Lawrence or other Rivers are to pass, which Roads shall be marked with Poles or Branches, made and kept in repair according to ancient custom; and all Roads on the Ice in the front of Farms shall be marked out with Poles, made and kept in repair by those who are obliged to make the land Roads on the Banks of the Saint Lawrence and other Rivers. Provided always, that it shall be lawful for the Inhabitants of a Parish, who at any time may think themselves aggrieved or oppressed by the work to be done as abovesaid, to require the Grand Voyer or his Deputy to make the distribution thereof either by Parish or District, of which he shall draw up his Procès Verbal.

XXV. And be it enacted by the authority aforesaid, that the Grand Voyer or his Deputy shall and may divide every Parish, Seigniorship or Township of his District into such number of divisions, being not more than nine, as he shall judge proper and necessary, and to each of which Divisions there shall be allotted by him an Overseer of the Highways and Bridges, who shall be chosen in manner following, that is to say: the Grand Voyer or his Deputy shall in the month of August next, and in the month of August every second Year thereafter, issue an order to the eldest Captain or Senior Officer of Militia in each Parish, Seigniorship or Township, for the purpose of electing Overseers of the Highways and Bridges, who is hereby required upon receipt of such order, to fix and publish or cause to be fixed and published at the Church Door or place of divine Worship of the Parish, Seigniorship or Township, after morning Service, or where there shall not be a church or place of divine worship, then at the most public place in such Parish, Seigniorship or Township, a day on which the Householders thereof shall meet for the purpose of such election, which day shall be a Sunday or Holyday between the first day of September and the fifteenth day of October, and not less than eight days after the day on which the publication shall be so made; at which meeting, the said eldest

Captain or senior Officer of Militia shall preside, and the same shall be held in the public Room of the Parsonage House of the Parish, Seigniorship or Township, or where there shall be no such public Room, then at such other place as shall be appointed by the said Captain or senior Officer of Militia: and then and there the said Householders, or the Majority of them so assembled, shall choose a fit and proper person from among the Householders of the Parish, Seigniorship or Township for each of the said divisions thereof, and residing as near thereto respectively as conveniently may be, to serve the Office of Overseer of Highways and Bridges, to oversee and direct the different persons within his Division in the performance of the duties required of them by this Act, for making and keeping in repair the Roads and Bridges thereof, and to prosecute every person or persons within his said division, or holding lands therein, who shall refuse or neglect to perform any such duties: each of which Overseers, shall enter upon the execution of his Office on the first day of January following, and shall serve for two Years; and any Person so chosen and nominated to serve, who shall refuse or neglect to signify to the said Captain or senior Officer of Militia, his consent to enter upon such service, for the space of eight days after such nomination, shall forfeit and pay the sum of five pounds Current money of this Province for such refusal or neglect, or who consenting to accept such Office shall refuse or neglect to obey the lawful orders of the Grand Voyer or his Deputy, or to oversee and perform any of the duties required of him by this Act, shall for every such refusal or neglect forfeit and pay the sum of twenty shillings: and it shall be the duty of every Officer of Militia who shall have presided as aforesaid at any such meeting, openly to declare to the persons so assembled, the names of the parties then and there chosen as Overseers, and to make a Return of such nomination and choice, to the Grand Voyer or his Deputy within ten days after such meeting: and every such Officer or Militia who shall refuse or neglect to call such meeting or to preside therein, or to make such return, shall forfeit and pay the sum of five pounds for every such refusal or neglect.

XXVI. And be it further enacted, that the Grand Voyer shall, at the periods aforementioned, nominate and appoint a fit and proper person in each Parish, Seigniorship or Township of his District, as Surveyor of Highways and Bridges therein. Provided always that every such Surveyor shall be an Inhabitant Householder having resided for the space of three years in the Parish, Seigniorship or Township for which he shall be so nominated, unless the same shall be a new settled Township, who shall enter upon Office at the periods aforesaid for Overseers, and continue to execute the same for two Years: and also as often as a Vacancy shall happen by refusal to serve, Death or disability, the Grand Voyer or his Deputy shall nominate and appoint another fit and proper person to supply such Vacancy; which Person shall serve only till the next period for nomination and appointment to such Office as aforesaid: and it shall be the duty of every Surveyor so appointed and accepting such Office, to superintend and direct the Overseers within his Parish, Seigniorship or Township in the performance of the duties of them required by this Act, and to prosecute every Overseer who shall refuse or neglect to perform any such duties: and also to communicate to such Overseers the orders that he may occasionally receive from the Grand Voyer or his Deputy, and to forward such orders if required to the Surveyor of the next Parish, Seigniorship or Township; and also to report or cause to be reported in writing or verbally to the Grand

Voyer or his Deputy once in every six months, and also at the time of his circuit, the state of the Roads and Bridges within his said Parish, Seigniori or Township. And every person so appointed as Surveyor, who shall not within eight days after such appointment accept the Office, shall for refusal or neglect thereof, forfeit and pay the sum of four pounds current money of this Province; or who after accepting such Office, shall refuse or neglect to execute any of the duties thereof as aforesaid, shall forfeit and pay the sum of twenty shillings for every such neglect or refusal. Provided always, that no person so chosen and nominated and who shall have served the Office of Surveyor or of Overseer, shall be liable to be rechosen to serve either of such Offices within eight Years from such nomination and service unless he shall consent thereto.

XXVII. Provided also, and it is hereby enacted; that where any such nomination of Overseers shall not be made, or where being made any person so nominated shall refuse to serve, or where any Overseer shall die or be disabled to execute the duties of his Office before the expiration of the time aforesaid, it shall then be lawful for the Grand Voyer or his Deputy to nominate and appoint other fit and proper person or persons as Overseers of Highways and Bridges, being Householders of the Parish, Seigniori or Township respectively, where a vacancy shall so happen; and every such person so nominated and appointed, shall be obliged to serve and perform the Office of Overseer of the Highways and Bridges from the time of his nomination and appointment by the Grand Voyer or his Deputy, until the next succeeding meeting to be held in conformity to this Act, for electing such Overseers, under the like penalties and forfeitures in case of refusal or neglect to accept such Office, or after consenting to accept, refusing or neglecting to perform the duties thereof, as is therein before provided against those who shall have been thereto elected and nominated at such meetings as aforesaid.

XXVIII. Provided also, and be it further enacted, that Clergy Men, Captains of Militia, Licensed School Masters and one Miller to each Mill, and persons upwards of sixty Years of Age, shall be exempted from being chosen or appointed Surveyors or Overseers of Highways and Bridges.

XXIX. And be it further enacted, that the Officers of Militia, shall continue to do the duty of Overseers until the first day of January next, Provided, that no Officer of Militia, who shall have so served as Overseer, shall be liable to be rechosen to serve either as Surveyor or Overseer under this Act within eight Years from the first day of January next, unless he shall consent thereto.

XXX. And be it further enacted by the authority aforesaid, that the Grand Voyer or his Deputy, shall make an Annual Circuit through the Highways leading from Parish to Parish within his District, between the twentieth day of May and the twentieth day of October that is to say, the Grand Voyers shall severally proceed to make the Circuit of the upper part of their respective Districts between the twentieth day of May and the first day of July, and of the lower parts of their respective Districts between the fifteenth of September and the twentieth of October, and they shall severally insert and Advertisement in the Quebec

Gazette for two successive weeks previously to their departure, of the days on which they mean to set out, and of the distribution of their time at particular places to be specified as nearly as circumstances will permit, and to endeavour to obtain a true account of the state and condition of the Highways and Bridges therein, and more especially to procure information of the defects or nuisances that may have arisen and the encroachments committed upon any of the said Highways and Bridges; and also what repairs or amendments the same do want, and to give the necessary orders to the Surveyors and Overseers in consequence, to the end that the Laws made in that behalf may be duly executed; and he shall commit to writing such observations made during his said circuit as he shall think necessary, a Copy of which he shall deposit in the Clerk's Office of the Court of General Quarter Sessions of the Peace of his District for the Inspection of said Court: and also it shall be his duty in said circuit to examine and enquire whether the Surveyors and Overseers duly execute their several Offices, and in default thereof to prosecute them or either of them for neglect of duty. And it shall be the duty of the Surveyors in their respective Parishes, Seigniories [Seigneuries] or Townships, and of the Overseers in their respective divisions, to attend the Grand Voyer or his Deputy at such Circuit, and to give him such information as may be necessary regarding the Highways and Bridges therein respectively: provided always, that neither the Grand Voyer of the District of Quebec nor his Deputy shall be obliged annually to proceed lower than the Parish of St. Joachim on the north side, and the Parish of Riviere du Loup [Rivière du Loup], on the south side of the River St. Lawrence, nor the Grand Voyer of the District of Montreal or his Deputy, shall be obliged annually to go higher up than the foot of the Long Sault on the Ottawa River.

XXXI. And be it further enacted by the authority aforesaid, that whenever the Grand Voyer or his Deputy or any Surveyor, and more especially any Overseer, as being part of their duty, shall find any part of the public Highways or Bridges in want of repair or any work to be done thereon neglected; he may, twenty four hours after Verbal notice given to the persons obliged to keep in repair the said Highways and Bridges, or twenty four hours after public notice given at the church door of the Parish, on a Sunday or holyday after morning service, or at the most public and frequented place of the Parish, Seigniority or Township, if there is no accustomed place of worship, employ labourers and carriages for making such repairs or doing such work, and the Expence of such Labourers and Carriages shall be paid by those who were held to do the said works, over and above the fine imposed by this Act by the wilful neglect or default of any person; and in case any Damage shall happen to the person, horse or carriage of any traveller or other person or persons bound to keep any bridge in good repair, a right of action shall accrue to the party receiving such damage, against the person or persons bound by law to keep such bridge in repair, which they are hereby authorized to institute in any of His Majesty's Courts of King's Bench in this Province, and the case being supported and made out by full and sufficient proof, the Court or Jury shall be authorized to award such damages as shall appear reasonable to be paid by the party or parties bound to such repair as aforesaid.

XXXII. And be it further enacted by the authority aforesaid, that the Grand Voyers shall keep, or cause an Office to be kept, in the Towns of Quebec, Montreal and Three Rivers,

each in their respective Districts, which Office shall be open every Friday and Saturday of each week, from nine of the clock in the morning until two of the clock in the afternoon, holydays excepted.

XXXIII. And to the end that the Grand Voyers may obtain all the information respecting the Highways which the duties of their Office require, it is further enacted and ordained, that every public officer or other person or persons having in their possession any original Procès Verbaux, Registers or Minutes (either ancient or modern) concerning the Highways, shall forthwith deliver them into the hands of the Grand Voyer of their respective Districts, taking receipts in writing for the same, specifying the original Procès Verbaux, minutes and Registers so delivered up. And Duplicates of all such receipts shall be transmitted by the Grand Voyers or their Deputies respectively, into the Secretary's Office of the Province.

XXXIV. And be it further enacted by the authority aforesaid, that every person Commissioned, or who shall be hereafter Commissioned, to Act as Grand Voyer for any District of this Province, who shall wilfully neglect or make default in the performance, either by himself or his deputy, of any duty by this Act required of him, shall forfeit for every such offence, a sum not exceeding twenty pounds nor less than five pounds current money of the Province, at the discretion of the Court imposing such forfeiture, one moiety to the prosecutor and the other moiety to the use of His Majesty, and every such forfeiture shall be sued for and recovered by action at Law, to be brought by such Prosecutor in any Court of Record for the District in which the Offence was committed, in which it shall be sufficient to declare, that the Defendant is indebted to the Plaintiff in the sum of _____ being forfeited by an Act passed in the thirty sixth Year of His present Majesty, intituled, "An Act for making, repairing and altering the Highways and Bridges within this Province and for other purposes." Provided always, that such action shall be brought within six months after the offence shall have been committed and not after; and if the Defendant shall prevail in any action brought against him for any matter authorised by this Act, the Plaintiff shall pay Treble Costs, to be taxed by the Court; and the Defendant may plead the general issue for his defence and give this Act in evidence.

XXXV. And whereas it is necessary to make some provision for the Highways and Bridges in the inferior District of Gaspé, to which the regulations for the District of Quebec are at present inapplicable, be it enacted by the authority aforesaid, that it shall and may be lawful for the Judge of the Provincial Court of Gaspé with at least three of the Justices of the Peace and a Grand Voyer for the said inferior District of Gaspé, to be appointed by His Excellency the Governor, Lieutenant Governor or Person administering the Government, to meet upon the first day of October next at Douglas Town [Douglastown] in the Bay of Gaspé, and when so met, to make and conclude in their discretion upon Bye Rules and Regulations, suitable to their present situation, for making and repairing the present Highways and Bridges and for laying out, making and repairing such other Highways and Bridges as shall be necessary for the said inferior District: and the Bye Rules and Regulations so made by the persons aforesaid, or the Majority of them, shall be binding on the Inhabitants of the said inferior

District of Gaspé for the space of three Years from the passing of this Act, unless the same shall be altered or amended by the said Persons at such subsequent meeting or meetings, as they may think proper to hold for that purpose, or by the Provincial Parliament: and all such Bye Rules and Regulations and the alterations therein so made, shall be published at the Doors of the Churches in the said inferior District, and at any other place or places which the said Provincial Judges, Justices and Grand Voyer shall think proper and necessary; and shall be carried into effect by the Grand Voyer and such assistant or assistants as shall be assigned him by the Rules and regulations so to be made: and it shall be the duty of the said Provincial Judge to transmit annually a Copy, Certified under his hand, of all such Bye Rules, Regulations and amendments or alterations as shall be so made, to the Governor, Lieutenant Governor or Person administering the Government of this Province. Provided always, that no higher fine or penalty shall be imposed by the Persons aforesaid, than is set and imposed for similar offences by this Act. And provided also, that no Person shall be obliged to contribute more than twelve days labour in any Year, towards the making and repairing of Highways and Bridges, which shall be necessary to be made by joint Labour.

XXXVI. And be it further enacted by the authority aforesaid, that if any Bull, Ox, Horse, Goat or Hog shall be found at large or straying in any Highway inclosed on both sides from and after the passing of this Act, it shall and may be lawful for any Peace officer, Surveyor or Overseer of the highways, to seize and detain, or cause to be seized and detained, every such Bull, Ox, Horse, Goat or Hog, until the Owner or Owners thereof shall have paid to such Peace officer, Surveyor or Overseer the sum of two shillings and six pence currency for every Bull, Ox, Horse, Goat or Hog, so detained, over and above the sum of one shilling currency a day for every day that every such Animal as aforesaid, shall remain in the custody of any such Peace Officer, Surveyor or Overseer.

XXXVII. Provided always and it is hereby enacted, that the Peace Officer, Surveyor or Overseer so seizing and detaining any Animal as aforesaid, shall cause the same to be proclaimed at the church door of the Parish in which the same shall have been so seized and detained, for three Sundays next following every such detention, immediately after divine service in the morning, unless such Animal as aforesaid shall be sooner claimed by the owner or owners thereof, and the sum or sums herein before mentioned paid to the Peace Officer, Surveyor or Overseer seizing and detaining the same; and if any such Animal as aforesaid, shall not be claimed after the third proclamation aforesaid, it shall and may be lawful for the Peace Officer, Surveyor or Overseer seizing and detaining the same, and he is hereby required, to sell or cause to be sold every such Animal as aforesaid, publicly at the church door of the Parish where the same shall have been seized and detained, in manner herein before directed, on the Sunday next following such Proclamation, immediately after divine service in the morning, and after deducting from the money for which any such Animal as aforesaid, shall be sold, the sum or sums herein before directed to be paid to the Peace Officer, Surveyor or Overseer seizing and detaining the same; the surplus (if any there be) shall be paid to the respective Road Treasurer if the same shall have been seized in the Parish of Quebec or Montreal, or if the same shall have been seized in any other part of the

Province, it shall then be paid to the Grand Voyer of the District to be applied to the making and repairing the Highways of the District in which the same shall have been seized. And in case any dispute shall arise between any Peace Officer, Surveyor or Overseer and the owner or owners of any such Animal as aforesaid, seized and detained as herein before directed, touching the seizing, detaining or keeping of the same, such dispute shall and may be determined in a summary manner by any Justice of the Peace for the District in which such dispute shall arise, after hearing the Parties and the Evidence by them respectively adduced. Provided always, that if the owner of any Animal as aforesaid, seized and sold as aforesaid, shall appear and prove his property before a Justice of the Peace within twelve calendar months from the time such Animal as aforesaid, shall have been sold, then and in such case, the Grand Voyer or Road Treasurer, as the case may be, shall on the order of such Justice, repay to such owner a sum equal to the Monies by him received for such Animal as aforesaid, to be taken out of any Monies in his hands arising by virtue of this Act.

XXXVIII. And whereas the aforesaid Regulations are inapplicable to the Cities and Parishes of Quebec and Montreal, and further and other Regulations are necessary regarding the same, be it therefore further enacted by the authority aforesaid, that nothing herein before contained relative to the Powers and Duty of the Grand Voyer or his deputy, or to the manner of appointment of Surveyors or Overseers, or to the Labour by which Highways and Bridges are to be made and kept in repair, or relative to any matter or thing herein after specially provided for, shall extend or be construed to extend to the said Cities and Parishes or to either of them.

XXXIX. And be it further enacted by the authority aforesaid, that the Justices of the Peace for the Districts of Quebec and Montreal respectively, shall be and they are hereby appointed and authorised as herein after directed, to lay out and to regulate the Highways, Streets and Bridges within the Cities and Parishes aforesaid, in which they shall respectively Act.

XL. And be it further enacted by the authority aforesaid, that the said Justices at the times hereafter fixed for the appointment of Overseers, shall appoint in each of the Cities and parishes aforesaid, a fit and proper person to be Surveyor of the Highways, Streets, Lanes and Bridges; each of which persons when so appointed by the said Justices shall enter upon Office the first day of January following, and continue to do the duty thereof for one year, and shall be allowed for his services a sum not exceeding forty pounds currency annually, to be paid out of any monies arising by virtue of this Act in the City and Parish where he shall be Surveyor.

XLI. And be it further enacted by the authority aforesaid, that the said Justices or any three of them (one of whom to be of the quorum) at a special sessions to be holden by them annually, on the first Monday in the month of December, not being a Holyday, otherwise the day following, shall divide the said Cities and Parishes into such number of divisions as they shall judge necessary, not exceeding six; and to each of such divisions shall appoint a fit and proper person, being a house holder of the City or Parish where he is to act, to be Overseer

of Highways, streets and Bridges within the division for which he shall be so appointed; which several Overseers shall enter upon Office on the first day of January following and serve for one year; and every person so nominated and appointed a Surveyor or an Overseer by the said Justices, who shall refuse or neglect to signify to the Clerk of the Peace of the District, his consent to accept such Office, for the space of eight days after notice of such appointment shall have been personally served upon him by a Constable or left at his usual place of abode, shall forfeit and pay the sum of five pounds currency; and as often as there shall be a vacancy of the Office of Surveyor or of Overseer, whether by refusal or neglect to accept the same, or by death or by becoming incapable to serve, it shall and may be lawful to the said Justices or any three of them (one of whom to be of the Quorum) at a special sessions to be holden for the purpose, to appoint some other fit and proper person to serve the Office so vacant until the first day of January following; and every person so appointed who shall after notice thereof as aforesaid to him given, for the space of eight days thereafter neglect or refuse to accept such Office, shall for such neglect or refusal forfeit and pay the sum of five pounds currency; such Penalties to be levied and applied in the same manner as other penalties incurred under this Act not specially provided for; and each of the said Overseers for the said Cities and Parishes shall be allowed for his services a sum not exceeding ten pounds currency annually, to be paid out of any monies arising by virtue of this Act in the City and Parish where he shall be an Overseer. Provided always, that no person who hath been so appointed and served the aforesaid Office of Surveyor or of Overseer shall be liable to be appointed Surveyor or Overseer of the same City or Parish within seven years of such first appointment and service, unless he shall consent thereto.

XLII. And be it further enacted by the authority aforesaid, that where the ditches, drains or water courses which have been heretofore made, are not (when repaired, cleansed and kept open by the Statute Labour herein after authorised) sufficient to carry off the water which shall lie upon and among the Highways or Streets; that then and in every such cases it shall and may be lawful for the said Surveyors or Overseers, by the order of any two or more of the said Justices, to make new ditches and drains in and through the lands and grounds adjoining such Highways or streets, or in and through any other lands or grounds (not being a Garden or Orchard) if it shall be necessary, for the more easy and effectually carrying off such water from the said Highways or Streets, and also to keep such ditches, drains or water courses scowered and cleansed; and the said Surveyors and Overseers and their workmen are hereby authorised to go upon the said Lands and grounds for the purposes aforesaid; provided always, that the said Surveyors or Overseers make proper bridges over such ditches, drains or water courses, or Cover the same where it shall be necessary, for the convenient enjoyment of the lands or grounds, through which the same shall be made; and from time to time to keep the same in repair; and do also make satisfaction to the owner or occupier of such Lands or Grounds which are not waste or common, for the damages which he, she or they shall sustain thereby; which damages (if the parties interested and any two or more Justices shall not agree in adjusting the same) shall be estimated by two indifferent persons, the one to be named by the owner of the Land, and the other by the said two Justices; and if the persons so to be nominated cannot agree therein, they shall chuse some third person to adjudge the same, whose determination shall be final; and the money at

which such damages shall be estimated or adjudged, shall be paid out of any monies in the hands of the Road Treasurer of the limits, where such ground shall lie, arising by virtue of this Act.

XLIII. Provided also and it is hereby enacted, that the Proprietor or Proprietors of any House or Houses, Building or Buildings which is or are or hereafter shall be erected, over any such ditch, drain or water course, shall within eight days after being thereunto required by the Surveyor or Overseers, repair, cleanse and keep open the part thereof immediately under his, her or their Houses or Buildings respectively; or if he, she or they shall not within such time as aforesaid, repair, cleanse and keep open such part of such ditch, drain or water course, at his, her or their expence, then it shall and may be lawful for the Surveyor or Overseer and their Labourers, to enter such, his, her or their Houses and Buildings respectively, for the purpose of repairing, cleaning and keeping open such ditch, drain or water course at the public expence.

XLIV. And be it further enacted by the authority aforesaid, that the said Justices, or any three of them, (one of whom to be of the Quorum) be and they are hereby authorised and empowered to regulate the Highways, Bridges, Streets, Market places, Squares and Lanes already laid out, and if any of them shall appear to be too narrow or otherwise inconvenient, and that an alteration be necessary, and the same be certified on oath by twelve principal Householders of the District, to be summoned by the Sheriff by virtue of a warrant to be issued by two Justices of the Peace for that purpose, the said Justices or any three of them may widen or alter the same; and also on compliance with the same formalities, may lay out such other Public Highways, Streets, Market places, Squares and Lanes, and may crest such Bridges, as they or any three of them shall think most convenient, as well for the Inhabitants of said Cities and Parishes respectively, and of those adjoining thereto, as for Travellers: and which Highways, Bridges, Streets and Lanes, so widened, altered or laid out, shall (describing the width, direction and other particulars necessary regarding the same) be recorded in the Office of the Clerk of the Peace in a Book to be by him kept for the purpose.

XLV. Provided always and it is hereby enacted, that no Highway so to be widened or altered, and no new Highway so to be laid out, shall be less in width than thirty feet, exclusive of the Ditches which may be necessary to such Highway, and that no street so to be widened or altered, and no new street so to be laid out, shall be less in width than thirty feet; and that where a Highway, Street, Market place, Square or Lane shall hereafter be laid out through improved Lands, or where it shall be necessary to alter or enlarge any of those already laid out and passing through such lands, it shall and may be lawful for the said Justices, or any three of them, and they are hereby required to view the same, and endeavour to make an agreement with the owner or owners of such improved Lands for the recompence to be made, for such ground, and for replacing the Fences thereto in same state as before, if necessary; and if they cannot agree with the said owner or owners, or if the owner or owners shall refuse to take such recompence as shall be offered by such Justices, then such recompence shall be estimated and adjudged in the manner herein before directed, for the estimation of damages occasioned by the making of ditches and drains: provided also, that

where the owner or owners cannot be found, or shall refuse to treat or to name a person as aforesaid, to estimate such recompense; then the Justices of the Peace at any general quarter sessions of the Peace to be holden for the district where such ground shall lie, upon certificate in writing of their proceedings in the premisses, signed by the Justices making such view, and upon proof of fourteen days notice in writing having been given to the owner, occupier or other person interested in such ground, or to his or her Guardian, Curator, Trustee or Agent, Signifying an intention to apply to such Quarter Sessions for the purpose of taking such ground; shall impanel a Jury of twelve disinterested Men, out of the persons returned to serve as Jury Men at such Quarter Sessions; and the said Jury shall upon their Oaths asses the damages to be given, and recompense to be made to the owner or owners as they shall think reasonable for such grounds, and for replacing the Fences thereto in same state as before if necessary; and upon payment or tender of the money so agreed upon, or so estimated by indifferent persons, or so awarded by the Jury, as the case may be, to the person or persons entitled to receive the same; or leaving it in the hands of the Clerk of the Peace of the District, in case such person or persons cannot be found, or shall refuse to accept the same, for the use of the owner or others interested in the said ground; the Interest of the said person or persons in the ground shall be divested out of them, and the same shall be taken to be a public Highway, Street, Market place, Square or Lane as the case may be; and the money necessary for such recompense shall be paid out of any monies in the hands of the Road Treasurer of the limit where such ground shall lie, arising by virtue of this Act. Provided further, that neither of the powers hereby granted do extend to pull down any House or Building, in any case whatever, nor to take away the ground of any Court Yard, Garden or Orchard for the purpose of laying out any new Street, Market place, Square or Lane, without the consent of the owner or owners thereof. Provided also, that where it shall be found that any Proprietor or Occupier of any Land or Lot of Ground adjoining a Highway, Street, Market place, Square or Lane, has encroached upon such Highway, Street, Market place, Square or Lane, then and in every such case, no recompense shall be allowed for any Ground so incroached upon, that shall be necessary to be resumed for enlarging such Highway, Street, Market place, Square or Lane; nor for the fences which may have been erected on such incroachment.

XLVI. And be it further enacted by the authority aforesaid, that in case such Jury shall give in and deliver a Verdict, for more Monies as a recompense for such Lands or grounds, or for replacing such fences as aforesaid, than what shall have been proposed and offered by said Justices before such application made to the Court of Quarter Sessions as aforesaid; that then, and in such cafe, the costs and expences attending, the said several proceedings, shall be borne and paid out of any Monies in the hands of the Road Treasurer, arising by virtue and under the powers of this Act; but if such Jury shall give and deliver a Verdict for no more, or for less monies, than shall have been so offered and proposed by the said Justices, before such application to the said Court of Quarter Sessions; that then, the said costs and expences, shall be borne and paid by the person or persons who shall have refused to accept the recompense and satisfaction so offered to him, her or them as aforesaid.

XLVII. And be it further enacted by the authority aforesaid, that in all cases where by the alteration of the direction of a Highway, or by the making of any new Highway as aforesaid, any old Highway should become unnecessary for the Public, that then and in such case, such old Highway shall belong to the person or persons, who respectively is or are proprietor or proprietors of the Land, from which such old Highway was originally taken; unless that such person or persons shall be entitled to a recompence for such new Highway or any part thereof as aforesaid; in which case such old Highway shall be valued by the said Justices, or any three of them, and the amount thereof, or the respective part thereof, as the case may be, deducted from the recompence so to be respectively allowed as aforesaid, to any such person or persons; but if such old Highway shall lead to any Land, House or place, which cannot in the opinion of such Justices, be accomodated with a convenient way and passage from such new Highway; then and in such case, the said old Highway shall remain subject to the right of way and passage to such Lands, House or place respectively.

XLVIII. And be it further enacted by the authority aforesaid, that the said Justices, or any three of them, may by writing under their hands and seals, order and appoint those Highways, Bridges, Streets, Market places, Squares, Lanes and drains, which in their opinion do most want repair within their Jurisdiction to be first amended or paved, and at what time, and in what manner the fame shall be amended or paved; according to which order, the respective Surveyors and Overseers are hereby required to proceed within their respective limits.

XLIX. And be it further enacted by the authority aforesaid, that for the better making and keeping in repair the said Highways, Bridges, Streets and Lanes, and providing materials for that purpose, it shall and may be lawful to and for every Surveyor and Overseer as aforesaid, to take and carry away, or cause to be taken and carried away, so much of the Rubbish or Refuse stones of any Quarry or Quarries, lying and being within the Parish where he shall be Surveyor or Overseer, or the Parishes immediately adjoining thereto, without the licence of the owner or owners of such Quarries, as they shall judge necessary for the amendment of the said Highways, Bridges, Streets and Lanes; but not to dig or get stone in such Quarries, without leave of the owner or owners thereof; and also that it shall and may be lawful for every such Surveyor or Overseers for the use aforesaid, in any waste Land or Common, Ground, River, or Brook within the Parish, or within any other Parish or place wherein Gravel, sand or other materials are respectively likely to be found, (in case sufficient cannot conveniently be had within the parish where the same are to be employed, and sufficient shall be left for the use of the Roads in such other place) to search for, dig, get and carry away the same, so that the said Surveyor or Overseer doth not divert or interrupt the course of such River or Brook, or prejudice or damage any Building, Wall, Highway or Ford, nor dig or get the same out of any River or Brook within the distance of one hundred feet of any Building, Wall, Bridge or Dam, and likewise to gather stones lying upon any Lands or Grounds within the Parish where such Highways, Bridges, Streets or Lanes shall be, for such service and purpose, and to take and carry away so much of the same, as the said Surveyor or Overseer shall think necessary to be employed in the amendment of the said Highways Bridges, Streets or Lanes, without making any satisfaction for the same; but satisfaction shall

be made for all damages done to the Lands or Grounds of any person or persons, by carrying away the same; to be estimated and paid as herein before directed for the damages arising by making Ditches and drains; but no such Rubbish, Stones, or Refuse stones shall be gathered, taken or carried away without the consent of the Occupier of such Lands or Grounds, or a Licence from two Justices of the Peace after having summoned such Occupier to come before them, and heard his reasons, if he shall appear and give any, for refusing his consent; and if any Bridge, Mill Dam, Wall or Building shall be damaged by digging as aforesaid by order of any Surveyor or Overseer, every Offender therein shall forfeit for such Offence, a sum not exceeding Five pounds, besides being liable to a prosecution by the party injured for special damages.

L. And be it further enacted by the authority aforesaid, that if any Surveyor or Overseer or person employed by him, shall by reason of the searching, digging or getting any Gravel, Sand, Stone or other Materials, for repairing any Highways, Bridges, Streets or Lanes, make or cause to be made any Pit or Hole in any such Lands or Grounds, Rivers or Brooks, whereby Accidents may happen to Persons or Cattle; such Surveyor or Overseer shall cause the same to be either sloped down, filled up, or sufficiently fenced off, and such fence kept in repair: and in case any such Surveyor or Overseer, shall neglect to slope down, fill up, or fence off such Hole or Pit, for the space of ten days after he or they shall have received notice for either of those purposes, from any Justices of the Peace, or from the Owner or Occupier of such Ground, River or Brook, or any person having right of Common within such Common or waste Lands as aforesaid, and such neglect and notice shall proved upon Oath before one or more Justices of the Peace; such Surveyor or Overseer shall forfeit and pay a sum not exceeding Two pounds currency for every such neglect; to be determined and adjudged by such Justice or Justices to be laid out and applied to the sloping, filling up or fencing such Pit or Hole, and towards the repair of the Highways of the Parish, in such manner as the said Justices shall direct and appoint; which forfeiture in case the same be not forthwith paid, shall be levied by Distress and sale of the Offenders Goods and Chattels: in such manner as Distresses and sales for other forfeitures, are directed to be levied by this Act.

LI. And whereas a sufficiency of materials for the making and repairing of the Highways and Bridges in the said Parishes of Quebec and Montreal, may not conveniently be found by the means aforesaid, and there may be a necessity for buying such materials, as well as materials for paving and repairing Streets, Market places, Squares and Lanes, and also Tools and Instruments for the same purposes, be it therefore further enacted by the authority aforesaid that in any such case the said Justices, or any three of them, at any General Quarter Sessions or the Peace, or at any Special Sessions to be holden for the purpose, may and are hereby authorised to determine and fix upon a sum of Money to be applied for all or any of the purposes aforesaid, and also for performing the work for which such materials may be intended, or any other work necessary to be performed upon any of the Highways, Streets or Bridges aforesaid, to be taken out of any Monies arising by virtue of this Act; and it then shall and may be lawful for the Surveyors in their limits respectively, under the direction and with the approbation of two or more Justices, to contract for the getting and carrying of such materials, for procuring such Tools and Instruments for the cleansing any

street or streets and performing such work, with such person or persons as shall be inclined to undertake the same, on the most reasonable terms; after ten days previous notice shall be given in writing, by fixing the same upon the Doors of the Churches in the Parish where such contract shall be necessary; which notice shall specify the different materials to be furnished and the work to be done, with the time and place for determination upon the proposals that may be made: and the said Surveyor under the direction aforesaid, may if it shall be thought necessary, require securities for the performance of the contract that may in consequence be entered into; and if any Justice of the Peace, or Surveyor or Overseer, shall have any part, share or interest, directly or indirectly in any such contract, or in any other contract or bargain for work or materials to be done, made or provided, upon, for, or on Account of any of the Highways, Bridges, Streets or other works whatsoever, under his care or management by virtue of this Act; or shall upon his own Account directly or indirectly let to hire any Waggon, Cart or Carriage, or sell or dispose of any Timber, stone or other materials, to be used or employed in making or repairing such Highways, Bridges, Streets or other works as aforesaid; (unless a Licence in writing for such contract, or for the sale of such materials, or to let to hire any such Waggon, Cart or Carriage, be first obtained from the Justices or any two of them) he shall forfeit for every such offence the sum of Five Pounds currency.

LII. And be it further enacted by the authority aforesaid, that the Highways, Bridges, Streets, Market places, Squares and Lanes in the Cities and Parishes of Quebec and Montreal, shall be made, repaired, paved and maintained by the Inhabitants of said Cities and Parishes respectively, in manner following; that is to say, every Man of the Age of eighteen Years and under the Age of sixty Years, not being bona fide an Apprentice or a Menial Servant, and not keeping a Horse or Horses, shall either in person or by a sufficient substitute work on the Highways, Bridges, Streets, Market places, Squares and Lanes on every day and at every place to be appointed by the Surveyor of the City and Parish where he shall reside, for any space of time not exceeding six days in every Year; and every person keeping a Horse or Horses shall either in person or by a sufficient substitute work as aforesaid, on every day and at every place to be appointed by said Surveyor for any space of time not exceeding six days in every Year, and further for any space of time not exceeding four days in every Year, for each and every Horse (Colts excepted) that any such person shall keep; and it shall and may be lawful for the said Surveyor if he shall find it necessary, upon due notice thereof given to any person keeping a Horse, to require any such person to send a Cart or Tilt Cart with one Horse and one able Man to drive the same; or if keeping two or more Horses, to require any such person to send a Cart or Tilt Cart with two Horses and one able man to drive the same; in which cases a Driver with one Horse and a Cart or Tilt Cart shall be held and taken as equivalent to two days personal labour of one Man; and a Driver with two Horses and a Cart or Tilt Cart, shall be held and taken as equivalent to three days personal labour of one Man; and all such persons as aforesaid, whether with or without Horses and Carriages, shall respectively bring with them, either a Shovel, Spade or Pickaxe; or if any of them shall be so directed, an axe; and shall diligently perform the work and labour to which they shall be respectively appointed by the Overseer, from five of the Clock in the morning to seven of the Clock in the evening, if between the first day of May and the first day of August, allowing

three hours out of such time for refreshment, or from Sun rise to Sun set, if between the first day of August and the first day of May; allowing two hours out of such time for refreshment, on every of the days on which they shall respectively work: and if any person sending a Cart or Tilt Cart as aforesaid, shall not send a sufficient Driver, or if any such Driver or any Labourer shall refuse to work and labour during the time above mentioned, according to the directions of the Overseer; or if any Driver shall refuse to carry proper and sufficient Loads, it shall and may be lawful for such Overseer to discharge every such Driver, Cart or Tilt Cart or such Labourer, and to recover from the owner of every such Cart or Tilt Cart or from such Labourer the forfeiture which every such person or persons would have incurred by this Act, in case no such Driver or Cart or Tilt Cart had been sent, or such Labourer had not attended. Provided always, that if the whole statute Labour by this Act directed, shall in any Year be considered by the said Justices as unnecessary to be performed, in such case a proportionable abatement or deduction thereof shall be made to every person subject thereto as aforesaid.

LIII. And be it further enacted by the authority aforesaid, that each Overseer within the Cities and Parishes aforesaid, shall from time to time in conformity to the directions which he may receive from the Surveyor of his City and Parish, give to every person, or leave or cause to be left at the House or usual place of abode of every person within his division, liable to perform the duty and labour by this Act directed, three days notice at the least, of the day, hour and place upon which each of the said days duty shall be performed; and every person possessed of two or more Horses having been duly summoned as aforesaid, and not having paid such composition as herein after is mentioned, who shall make default in sending a Cart or Tilt Cart and two Horses with an able Man to drive the same, and with such tool or instrument as aforesaid, or in performing the said duty at the time and place notified to him or her as aforesaid, shall for every day default, forfeit and pay the sum of six shillings currency; or if notified to send a Cart or Tilt Cart and one Horse with a Driver, and making default therein, shall for every such default forfeit and pay the sum of four shillings currency: and that every person having been duly summoned to perform personal labour and not having paid such composition as herein after is mentioned, who shall not appear or send a sufficient substitute with such tool or instrument as aforesaid, at such time and place as by the said notice shall be directed shall forfeit and pay for every day's default, the sum of two shillings currency: and the said Surveyors and Overseers shall demand and require such duty and labour from every person liable to perform the same according to the directions of this Act, without favor or partiality; and every Overseer shall and may and is hereby required, with all convenient speed after default made by any person or persons as aforesaid, to demand and to prosecute for the recovery of the penalties and forfeitures hereby inflicted, in manner directed by this Act. Provided always, that in order to prevent as much as possible inconvenience to the persons liable to perform statute duty in the Parishes aforesaid, no Occupier of a Farm or of Land in Cultivation within the said Parishes shall be subject to be called forth to labour as aforesaid during Seed time, Hay time or Harvest, but shall perform the duty under this Act at such other times as shall be required, under the penalties aforesaid.

LIV. Provided also, and it is hereby enacted, that any person or persons liable to perform statute labour in any respect as aforesaid, shall and may compound for the same, if he, she or they shall think fit, by paying to the Surveyor or Overseer at the time and in the manner herein after mentioned, the sum of one shilling and three pence currency, for and in lieu of every day's personal duty or labour to which they are respectively liable.

LV. Provided further and it is hereby enacted, that the Surveyors of the aforesaid Cities and parishes respectively, shall annually on or before the third Sunday in the month of March, give or cause to be given public written notice at the Churches of said Cities of the time and place when and where persons inclined to compound for the said duty, may signify such their intention to the said Surveyor, and all and every person signifying the same who shall then pay to the Surveyor, or within the space of one Calender month after the date of such Public notice, pay to the Overseer of his division, the composition money authorised and allowed by this Act, shall be discharged from the performance of such duty; and the said composition money shall be employed by direction of the Justices, for the use of the Highways, Streets and Bridges and for hiring labourers and others to work thereon; but in case the said composition money be not paid within one month as aforesaid, the parties neglecting to pay the same, shall be considered defaulters, and shall be liable to the same forfeitures as they who shall make wilful default: and all monies so paid to the Surveyors or Overseers shall be by them immediately paid over to the Road Treasurers for said Cities and Parishes respectively. Provided also, that the statute Labour herein before mentioned, or the Composition money authority for the same, shall not be required of or from any Officer, non Commissioned Officer or Soldier of any Regiment, or part of a Regiment or Corps, in Garrison in the Cities of Quebec or Montreal for the time being, unless that any such Officer be upon the staff of the Army serving in the Province, or upon the staff of the Garrison.

LVI. And in order to obtain a just account of the number of Horses kept within the aforesaid Cities and parishes, be it further enacted by the authority aforesaid, that in the month of January annually, the Overseer of every division therein, shall under the direction of the Surveyor, go to the dwelling House of every person liable to statute Labour under this Act, by reason of keeping a Horse or Horses, and demand to be informed of the greatest number of Horses by him or her kept for two months in the Course of the Year preceding, and every such person shall give a true answer to every such question, or if he or she shall then be absent from his or her dwelling house, the Overseer shall leave notice that such person must within ten days from that time give to him the said Overseer information of the number of Horses by him or her kept as aforesaid; and it shall be incumbent upon every such person to give such information within such time accordingly: and if any such person shall refuse to answer any such question, or shall neglect within such time to give the said information; then the Surveyor or Overseer shall from information estimate the number of Horses by him or her kept as aforesaid; and such estimate so made, shall be conclusive upon every such person, unless such person shall prove before one or more Justices, upon his or her Oath (which he or they are hereby authorised to administer) any Overcharge in such estimate, in which case such Overcharge shall be deducted therefrom: but the Surveyor or Overseer shall not be bound by the information received from any person relative to the number of Horses

by such person kept, if upon examination it is found that the same is not just and true; but may add thereto any number omitted or concealed that shall be discovered and proved before a Justice; and then make a true Statement of the number of Horses by any such person kept as aforesaid; and when any omission or concealment of the number of Horses so kept, shall be discovered and so proved, the addition shall be made after the rate of double the duty for every Horse omitted or concealed by any such person, who shall be liable to the same in labour or composition for the fame in money in conformity to this Act; and the Surveyor or Overseer discovering such omission or concealment; and prosecuting the same to conviction, shall receive for his own use, one moiety of the monies arising thereby, or that would arise thereby were such additional duty compounded for: and it is hereby also declared and enacted, that the keeping a Horse or Horses for the space of two months in the Course of the Year preceding the first day of January, shall be considered keeping a Horse or Horses within the meaning of this Act, and shall subject the owner or owners thereof to statute duty and labour accordingly.

LVII. And whereas the part of the Statute duty and labour aforesaid, or of the composition money authorised to be taken for and in lieu of the same, which the Justices may in their discretion judge expedient to be applied towards the making, amending and keeping in repair the Streets, Causeways, Pavements, Bridges, Drains, water Courses, Sewers, Market places, Squares and Lanes within the said Cities of Quebec and Montreal, will be inefficient for these purposes; and for that end it will be expedient to raise a further sum of Money; therefore, be it further enacted by the authority aforesaid, that the Justices, at any General Quarter Sessions of the Peace, to be holden at such Cities respectively, shall and may, and are hereby empowered and required to fix and determine upon the Rate of an assessment, to be made once in every year, upon all and every the Occupier or Occupiers of Lands, Lots, Houses and Buildings, in proportion to the annual value thereof, within the Cities aforesaid, as respectively bounded by the Proclamation issued on the seventh day of May one thousand seven hundred and ninety two, for dividing this Province into Counties, Cities and Towns; which assessment shall be applied, towards the making, amending and keeping in repair the Streets, Causeways, Pavements, Bridges, Drains, Water Courses, Sewers, Market places, Squares and Lanes, within the limits of the said Cities, bounded as aforesaid, where such assessment shall be made respectively. And the said Justices at the General quarter Sessions to be held in the month of October, shall annually appoint five good and sufficient Householders, to be assessors, who shall be taken from a list of fifteen, to be annually nominated by the Grand Jury of the District returned to serve at the said Quarter Sessions, and in case that the said Grand Jury shall not make such list and nomination, then the said Justices shall appoint such persons as they shall think fit and proper to be assessors; which Householders so appointed assessors, shall enter upon office the first day of January following, and shall each of them accept the office and serve for one year under the penalty of Ten pounds currency, for refusal or neglect to signify their acceptance thereof respectively, to the Clerk of the Peace within Ten days after notice of such appointment, to them severally signified or left at their usual places of abode: and each of them, before they enter upon the execution of their trust, shall be duly sworn before the Justices in their weekly sittings (who are hereby authorised and required to administer such Oath) to make

an assessment on all Lands, Lots, Houses and Buildings to be assessed by virtue of this Act, within the City bounded as aforesaid, where they shall respectively serve, according to the best of their skill and Judgement, without favor, affection, partiality or prejudice to any person or persons: and the said assessors or any three of them, shall make an estimate of the annual value of all Lands, Lots, Houses and Buildings to be assessed by value and shall specify the sum to be paid by each and every Person or Persons occupying property so estimated, according to the rate of assessment for the Year, as fixed and determined upon by the said Justices; and the said Estimate and sum to be paid by each and every Person or Persons when so made out by the said Assessors or any three of them, shall be certified under their hands and seals, and delivered to the Clerk of the Peace of the District within two months after the said Assessors shall have been required by the said Justices or any three of them to make out and certify the same, under the penalty of ten pounds on each Assessor who shall refuse or neglect the same: and the said Estimate and Assessment being so made, certified and delivered, shall be made public within each respective division, in such manner as to the said Justices shall be deemed most convenient, and in case any person shall be aggrieved by such Assessment, it shall and may be lawful for such person to appeal therefrom to the next General Quarter Sessions to be holden after such publication, and the adjudication given in the said Quarter Sessions shall be final and conclusive touching the matters in question: and the said Assessment shall be collected by the Overseers under the direction of the Surveyors, in such manner as the said Justices by their order at any General Quarter Sessions shall direct and appoint in that behalf: and the money thereby raised, shall be paid by the Person or Persons collecting the same, into the hands of the Road Treasurer, and shall be employed and accounted for according to the orders and directions of the said Justices, for and towards all or any of the purposes above mentioned, from time as need shall require, within such city and Parish where the same shall be so assessed and collected. Provided nevertheless, that the assessment herein before authorised shall not in any one Year exceed the rate of four pence in the Pound of the yearly value of the Lands, Lots, Houses and Buildings so assessed.

LVIII. Provided also and it is hereby enacted, that it shall and may be lawful for the said Justices or any three of them, (one of whom to be of the Quorum) to appoint Assessors from time to time in the place of those who shall refuse to serve, or who shall die or become incapable of serving out of such List and nomination as aforesaid, or if no such List or nomination shall have been made, then to appoint such persons as they shall think fit and proper to be assessors; and that every person so appointed shall serve until the first day of January next following, under the penalties herein before imposed upon persons refusing to serve as assessors: and that no person so appointed and having served the Office of assessor, shall be liable to be again appointed within seven Years after such appointment and service unless he shall consent thereto.

LIX. Provided further, and it is hereby enacted, that where any Street, Market place, Square or Lane adjoining to any Lot, House or Building is already paved, the said assessors shall make a valuation of the Pavement so adjoining to every such Lot, House or Building according to the state and condition thereof at the time of such valuation; and the said

assessors shall accordingly make, certify and deliver a list of such valuations to the Clerk of the Peace as herein before directed; and accounts shall be kept by the Surveyors of every payment so valued, and of the amount of the assessments made from time to time on the Lot, House or Building respectively adjoining thereto; which assessments shall be set off against such valuations of Payments respectively, until that such assessment or assessments shall amount to the said valuations respectively; after which time the assessments shall be collected as herein before directed.

LX. Provided further, and it is hereby enacted, that the amount of any such assessment as aforesaid, may be deducted by the Lessee or Lessees of any Lands, Lots, Houses or Buildings out of the Rent thereof, except where an agreement shall have been made relative to such assessment; in which case such agreement shall be observed.

LXI. Provided also and be it further enacted by the authority aforesaid, that no Lot of Ground which (together with the Houses and Buildings thereon erected) does not exceed the annual value of five pounds currency, and no Lots, Houses or Buildings occupied by any of the Religious Communities of Women, and no Grounds without the fortification walls of said Cities respectively, used for Pasture, Hay Land or for raising Grain, shall be assessed under this Act.

LXII. And whereas it is expedient that Public Buildings; dead walls and void spaces of Ground belonging to Government or Societies, should be assessed towards the paving and repairing the Streets, Market places, Squares and Lanes within the aforesaid Cities, by some Rule more proper in respect to such Buildings, dead walls and void spaces of ground, than that of the annual value thereof, be it therefore further enacted by the authority aforesaid, that it shall and may be lawful to and for the said assessors or any three of them, and they are hereby required, when and at such time and times as the assessments hereby authorised shall be made, to assess all Churches, Church Yards, Chapels, Meeting Houses, Schools, Convents, Barracks, Jails, Dead walls and void spaces of Ground belonging to Government, or to any joint or incorporated body, or to any public society or private Persons, and all other public Buildings whatsoever (excepting as herein before excepted) adjoining to any Market place, Street or Square or Lane, situate, lying and being within the Cities aforesaid, at a rate to be settled by the said assessors to the best of their Judgment in a reasonable proportion to the length of pavement adjoining to any such Church, Church yard, Chapel, Meeting house, School, Convent, Barrack, Jail, Dead wall, void space of Ground or any other Public Building whatsoever, of which assessment a List shall be certified and delivered to the Clerk of the Peace as herein before directed from which assessment it shall and may be lawful for any person or persons thinking themselves aggrieved thereby to appeal to the next General Quarter Sessions to be holden after such certifying and delivery as aforesaid, and the adjudication of the said Court of Quarter Sessions shall be final and conclusive in the premisses. And if any of the Buildings, Dead walls or void spaces of Ground as aforesaid, belong to His Majesty or be occupied for his use, then the sums so affected shall be paid out of any un-appropriated monies in the hands of the Receiver General of this Province, upon Warrant of the Governor, Lieutenant Governor or person administering the Government for

the time being, to him directed for that purpose; and if any of the Buildings, Dead walls or void spaces of Ground as aforesaid, belong to any joint or incorporated Body, or to any public society, then the sums so assessed thereon, shall be respectively paid by the Church wardens, Trustees or other person or persons respectively having the management or direction thereof, or of any funds belonging to the same.

LXIII. And be it further enacted by the authority aforesaid, that if any person shall refuse or neglect to pay the sum or sums assessed upon him or her, by any assessment so to be made in pursuance of this Act, within thirty days after demand thereof made; the same shall and may be levied by the Surveyor or Overseer, or any other person or persons authorised by warrant under the hands and seals of any two Justices of the Peace having Jurisdiction therein, by distress and sale of the Goods and Chattels of the person so refusing or neglecting, rendering the Overplus to the owner or owners thereof, the necessary charges of making such distress and sale being first deducted.

LXIV. And whereas Houses or other Buildings, may be let to divers Tenants or Lessees, whereby it will be difficult to collect their respective proportions of an assessment upon the whole House or Building by them occupied; for remedy whereof, be it further enacted by the authority aforesaid, that when an assessment as aforesaid; shall be made upon any House or Building owned or occupied by several persons, such assessment shall be paid by any owner or owners, occupier or occupiers of any part of such House or Building; and in case any owner or owners, occupier or occupiers of any such House or Building shall refuse to pay the same, then the said assessment shall be levied by distress and sale of the Goods and Chattels of him, her or them so refusing to pay the same; which distress and sales are by this Act directed to be made: and such owner or owners paying more than his, her or their proportions of such assessment, is and are hereby authorised to recover of the other owner or owners, what he, she or they ought to have paid of such assessment, with all costs and charges attending the recovery of the same; and such occupier or occupiers so paying the whole sum assessed upon any such House or Building or a greater part thereof than his, her or their proportion, is and are hereby authorised to deduct the same out of the Rent due, or to grow due by him her or them; reserving to the owner or owners, any claim that they may respectively have to reimbursement thereof from any such occupier or occupiers, by virtue of any Agreement regarding the same.

LXV. And whereas it may happen that some persons liable to, and that may be charged and assessed as aforesaid, may before the sums which shall be so assessed on them respectively shall be paid, quit and leave the premises so assessed, and thereby endeavour to evade the payment of such assessment, be it therefore further enacted, that where any person or persons who hath or have been so assessed, shall quit and leave the premises for which he, she or they hath or have been so assessed, before he she or they shall have paid such assessment, and shall afterwards refuse or neglect to pay the same when due and demanded, by the person or persons authorised to collect and receive the same; that then, and in every such case, it shall and may be lawful to raise the amount of such assessment by distress and sale of the Goods and Chattels of the person or persons so refusing or

neglecting to pay, in same manner, as assessments are herein before directed to be recovered.

LXVI. And be it further enacted by the authority aforesaid, that the Surveyors of the Cities and Parishes of Quebec and Montreal, shall and are hereby required to the best of their skill and Judgement, to execute the orders they may from time to time receive from the Justices of said Cities and Parishes, respectively for making, amending and repairing the Highways, Streets, Bridges and other works in virtue of this Act; and shall direct and superintend the Overseers within their limits in the performance of their duty, and shall prosecute such of them as by refusal or wilful neglect, make default therein, as well as every person who shall make or commit any nuisance, incroachment, obstruction or annoyance, in, upon, or to the prejudice of any Highway, Bridge, Street or Pavement, contrary to the directions of this Act; and the said Overseers shall and are hereby required to the best of their skill and Judgment, to obey the directions they may from time to time receive from the said Justices or from the said Surveyors, in virtue of this Act; and more especially in calling in and attending the performance of the Statute duty; in overseing Workmen and Labourers employed; in collecting Assessments and Compositions; in serving the notices authorised by this Act; in prosecuting for fines, penalties and forfeitures thereby incurred; and such other matters and things as shall be reasonably required of them by the Surveyors in the execution of their Offices pursuant to this Act; and the said Surveyors and Overseers shall pay to the Road Treasurer of their City and Parish, all the Money which from time to time shall come to their hands respectively as Surveyors or Overseers by the means of this Act, for which they shall take his receipt: And the said Overseers shall severally under the direction of the Surveyor of the Parish where they Act, make out and keep, or cause to be made out and kept, a List of every person within their Division, who are liable under this Act to work upon the Highways, Streets, and Bridges, with the number of Horses by him or her kept; which Lifts shall be examined by the said Surveyor and by him corrected if found not just and true before a Justice of Peace in manner herein after set forth, and the said Surveyor shall then therefrom make out a general list, and deliver a copy thereof by him signed to the Clerk of the Peace, for the information of the Justices, within thirty days after such Overseers shall have been appointed as aforesaid: and the Overseers shall severally under the direction aforesaid, keep or cause to be kept, one or more Book or Books, containing an account of Duty or Labour done, compounded for, or unperformed by every person liable to discharge the same; and also a just and true account to be verified on oath if required (which Oath the Justices are hereby authorised to administer) of all such money as shall have come to their hands respectively, in their division by virtue of and for the purposes of this Act, and of all such money paid to the Road Treasurer, and also of the sums of money that shall then remain due and owing from any person or persons in respect of compositions or assessments under this Act; which Book or Books shall be examined by the said Surveyor, and such Remarks thereon by him made as he shall judge proper; whereupon the same shall be delivered to the Justices at some of their special sessions to be holden for that purpose in the month of December in every Year, who are hereby required to examine such account of monies received and paid, and to allow the same if found right, or to disallow such part or parts thereof as shall not be explained and proved to the satisfaction of the said Justices: and

every person making default in accounting for or paying as herein directed, any monies which the said Justices shall adjudge to be in his Hands, shall forfeit and pay double the value of the money so adjudged to be in his hands. And a Copy of such List as aforesaid, and of accounts of Duty unperformed, and of compositions and assessments unpaid, shall be delivered by each Surveyor or Overseer as the case may be, to his successor in Office: and if any such Surveyor or Overseer shall refuse or wilfully neglect to comply with any of the requirements aforesaid, or make default in the performance of any of the duties required from him by this Act, he shall forfeit for every such offence any sum not exceeding Five pounds nor less than twenty shillings currency, at the discretion of any two or more Justices before whom he shall be thereof convicted.

LXVII. And he it further enacted by the authority aforesaid, that the Justices of the Peace in their General Quarter Sessions in the month of October annually, shall appoint fit and proper persons to be Road Treasurers or the aforesaid Cities and Parishes respectively, for the receival and payment of all monies to be collected, levied and raised by virtue of this Act, either by assessments compositions or Fines, Forfeitures or otherwise respectively within the limits of said Cities and Parishes, and the persons so appointed Road Treasurers shall respectively give such security for the faithful discharge of their Trust as to the said Justices shall seem reasonable: and the Monies so received by the said Road Treasurers shall be paid by them for the purposes authorised by this Act only, upon the order of a Justice of the Peace or a Surveyor, or of an Overseer certified or allowed by a Justice of the Peace or a Surveyor, specifying the purpose for which any money is to be paid; which orders with Receipts thereon from the person or persons receiving such money, shall be Vouchers to the said Treasurers for such payments: and the accounts of said Road Treasurers shall at all times be open to the Inspection of the Justices, and the same shall be by them respectively delivered in for the purpose of examination by the said Justices and of being by them allowed or disallowed at the same period, and in the same manner, and under the same penalties for default in not accounting for such monies, as are herein before provided and directed in the case of delivery and examination of the Accounts of Overseers: and the said Road Treasurers shall and may, and are hereby authorised to retain twelve pence in the Pound of all such monies as shall come into their hands respectively in virtue of this Act, as a recompence for their trouble in receiving and paying the same.

LXVIII. And for preventing obstructions in the Highways and Bridges within said Cities and Parishes, and incroachments thereon, be it enacted by the authority aforesaid, that the Surveyor and Overseers of the Highways shall at all such time and seasons as they shall judge proper, view all the Highways and Bridges within the city and Parish for which they shall be Surveyors or Overseers, and in case they shall observe any Nuisances, incroachments, obstructions or Annoyances made or Committed in, upon or to the prejudice of them or any of them contrary to the directions of this Act, they shall from time to time, as soon as conveniently may be, give or cause to be given to any person or persons doing or committing the same, personal notice, or notice in writing to be left at his, her or their usual place or places of abode, specifying the particulars wherein such nuisances, incroachments, obstructions or annoyances consist; and if such nuisances, incroachments, obstructions or

annoyances shall not be removed within a reasonable time, after such notice of the same respectively given as aforesaid, then the said Surveyors or Overseers shall be, and they are hereby fully authorised and impowered, forthwith to remove such nuisances, incroachments, obstructions or annoyances to the best of their skill and Judgment, according to the true intent and meaning of this Act; and the person or persons so neglecting to remove the same after such notice given, shall forfeit and pay a sum not exceeding twenty shillings currency; and the said Surveyors or Overseers shall be reimbursed what charges and expences they shall be at in removing such nuisances, incroachments, obstructions or annoyances, by the person or persons who ought to have done the same, over and above the said forfeiture; and in case such person or persons shall upon demand, refuse or neglect to pay to the said Surveyor or Overseer his charges and expences occasioned thereby respectively, and also the said forfeiture, then the said Surveyor or Overseer shall apply to any Justices of the Peace; and upon making Oath before him of notice being given to the Defaulter in manner aforesaid, and of the said work being done by such Surveyor or Overseer, and of the expences attending the same, the said Surveyor or Overseer shall be repaid by such person or persons all such his said charges as shall be allowed to be reasonable by the said Justice, or in default of payment thereof on demand, the same shall be levied in such manner as the penalties and forfeitures inflicted by this Act are directed to be levied. Provided always, that nothing herein above mentioned, shall extend or be construed to extend, to prohibit any person or persons from laying on any Public Highway, Causeway or Pavement materials for the purpose of Building or repairing any House, Building or Wall adjoining to such Highway, Causeway or Pavement; so as that a sufficient way of passage for the public shall be left during the time of such building or repairing, and that such materials be immediately removed after the same shall be finished.

LXIX. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Surveyors and Overseers of the Cities and Parishes aforesaid, and they are hereby required immediately after the first Fall of Snow in every Year, to lay out two Public Winter Roads in each Highway leading to and from either of the said Cities, where such Highway will admit thereof; and to erect and set up Beacons for dividing the same, and to cause the Cahots and slopes or declivities in the Snow and ice, in the said Roads and streets, to be levelled; and every Cariole, Train or Winter Carriage coming to or going to from either of the said Cities, shall take the right hand Road: and the said Surveyors and Overseers are also hereby authorised and required to apply such part of the statute labour herein before mentioned, or of the composition money arising therefrom, as the Justices in any Court of General Quarter Sessions shall think proper and necessary to be reserved, for the laying out, making and keeping in repair the winter Roads aforesaid, and those Public Roads that may be necessary upon any River within the limits of said Cities and Parishes, and along that part of the River Saint Lawrence adjoining to the said Cities and Parishes respectively; and also any Public Winter Road or Roads necessary to cross said River, to or from either of the said Cities, whether for the convenience of the Inhabitants thereof or of the neighbouring Parishes, for three Acres in length upon each and every Road for crossing said River St. Lawrence, to be reckoned from high water mark, adjoining said Cities respectively, and to erect and set up Beacons at convenient distances on each side of such Roads or any other

winter Roads where the said Surveyors or Overseers shall deem the same necessary and proper to direct Travellers: and the said Surveyors and Overseers are hereby also empowered and authorised, (but under the same formalities, restrictions and exceptions in every respect, as are herein before mentioned in the case of winter Roads) to make the same openings in Fences, where the same shall be necessary for diverting any Winter Road, so as to be more easily kept in repair for the convenience of the Inhabitants and Travellers. And the said Surveyors respectively are also empowered and authorised, under the direction and with the approbation of two or more Justices, to contract and agree with any person or persons for the making and beating any winter Road or any part of a winter Road after falls of Snow, and for levelling Cahots and slopes, and for other necessary repairs thereon.

LXX. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any three or more Justices (one whereof to be of the Quorum) within the aforesaid Cities and Parishes respectively, and they are hereby empowered from time to time, whenever they shall judge proper, to hold any special sessions, besides those which are herein before directed for executing the purposes of this Act; and to adjourn the same from time to time as they shall think fit, causing notice to be given of the time and place of holding such special sessions and of the adjournments thereof, to the several Justices acting and residing within such limits, by a Constable or other Peace officer within the same.

LXXI. And whereas it is necessary to make provision for the time that will elapse between the date of passing this Act and the first day of January next, being the period fixed for the Commencement of the different Offices of Surveyors and Overseers, be it therefore further enacted by the authority aforesaid, that it shall and may be lawful for the said Justices, or any three of them, (one of whom to be of the Quorum) in the Cities and parishes of Quebec and Montreal respectively, to hold one or more special sessions of the Peace in each of the said Cities, as soon as conveniently may be, after the passing of this Act; and at such sessions to divide the said Cities and Parishes into such divisions as they shall think fit; not exceeding however the number thereof herein before authorised; and to appoint fit and proper persons to be Surveyors and Overseers, and to fix the time of their entering on the service of said Offices; and all and every of the persons so appointed, shall under the penalties respectively imposed by this Act, serve until the day of January next, and shall receive for their services the salaries respectively herein before allowed, in proportion to the time such persons respectively shall serve such Offices; and the said Surveyors and Overseers are hereby authorised and required, to call forth before the first day of January next, from every person liable thereto, Two thirds of the statute Labour herein before directed for a whole Year, each of whom may compound for the same in money, if he, she or they shall think fit, by paying therefor at the rates herein before mentioned; and the said Surveyors as soon after their appointments as may be, shall give or cause to be given, public written notice at the Churches of said Cities, and by an advertisement, inserted in one of the News Papers published in each of the said Cities, of the time and place when and where persons may signify their intention to compound; and upon payment of such Composition money at such time and place, or within ten days afterwards, every person so paying shall be discharged from the performance of any such duty or labour till the first day of January next;

otherwise to be liable thereto under the penalties herein before imposed or like defaults: and all matters and things whatsoever done for the due execution of this Act, before the said first day of January next, shall have the same force, effect and validity, and be executed under the same penalties and forfeitures respectively, for refusal or neglect of performance, as if the same had been done at the times and in the manner herein before directed by this Act. Provided always, that no assessment shall be made under this Act until the Year one thousand seven hundred and ninety seven.

LXXII. And whereas several of the Streets, Lanes and other places comprehended within the Cities aforesaid, are obstructed and made dangerous, to Foot Passengers, by steps brought out from several Houses into the Streets, Squares and Lanes, by outside stairs and other projections erected, and by steps and doors going down into Cellars, Vaults and other places, be it therefore further enabled by the authority aforesaid, that on or before the first day of January which will be in the Year one thousand eight hundred, all such steps brought out into the Footways, all such outside stairs and all other projections erected, all such steps and doors going down out of the Footways into any Cellars, Vaults or other places, and all and every other matter or thing which extends or extend more than twenty Inches French measure, into any Street, Square or Lane of the Cities aforesaid, bounded as herein before mentioned, shall be removed: and all such Cellar or Vault doors, although extending only twenty Inches like measure or less, shall be laid even with the Footways: and it shall and may be lawful for the said Justices or any three of them, and they are hereby required from and after the said first day of January one thousand eight hundred, to cause every incroachment and obstruction whatsoever as aforesaid, to be removed by the Surveyors and Overseers; and also to cause every such Cellar or Vault door, although extending only twenty Inches like measure or less to be by them laid even with the Footways: and from and after the passing of this Act no House or Building shall be erected within the Cities aforesaid, with any steps projecting into the Footways, or any outside stairs or other projections, or any steps or doors going down out of the Footways, into any Cellar, Vault or other place, or any other matter or thing extending in any degree into any Street, Square or Lane of the Cities aforesaid: and from and after the passing of this Act, no incroachment or obstruction whatsoever, shall be made or erected on any Street, Square or Lane adjoining to any House or Building already built in the said Cities, excepting steps to extend not more than twenty Inches like measure therefrom, under the penalty of every person or persons so offending, forfeiting and paying for every such Offence, two pounds currency, besides five shillings currency for every day, that any incroachment or obstruction whatsoever shall remain, after any such person or persons shall have had notice to him, her or them given by a Surveyor to remove the same.

LXXIII. And be it further enacted by the authority aforesaid, that nothing herein contained, shall extend or be construed to extend to the Bridge over the River St. Charles in the Parish of Quebec, commonly called Dorchester Bridge, nor in any way affect any Private Bridge or Private Road in either of the Cities and Parishes aforesaid; but that the same shall be kept up at the expence of the person or persons who respectively own the same, in same manner as if this Act had not been made.

LXXIV. And be it farther enacted by the authority, that every person or persons who shall offend against this Act, in any matter or thing for the breach of which a penalty is not herein before specially imposed, shall forfeit and pay for every such offence a sum not exceeding ten shillings, nor less than five shillings currency; and that all Penalties and Forfeitures by this Act imposed any Offence against the same and all expences laid out, and all costs and charges to be allowed under the authority thereof, (where not hereby otherwise particularly directed) shall be levied by Distress and sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively by warrant under the Hand and Seal of any Justice of the Court of King's Bench or Provincial Judge in Circuit: or of some Justice of the Peace for the District or limit where such offence, neglect or default or expence laid out, shall happen, or such order for payment of such expences laid out or costs or charges shall be made, rendering the overplus of such distress (if any there be) to the party or parties after deducting the charges of making the same, which warrant such Justice of the Court of King's Bench or Provincial Judge in Circuit or Justice of the Peace, is hereby empowered and required to grant after complaint or information to him made or given, upon conviction of the offender, by confession, or upon the Oath of one or more credible witness or witnesses; (other than the informer) and the penalties and forfeitures when so levied, as well as all other penalties and forfeitures by this Act imposed, when levied, shall be paid the one half to the Informer and the other half to the Road Treasurer, if such Offence, neglect or default shall have happened within the Cities and Parishes of Quebec or Montreal, to be therein respectively applied to the same purposes as other monies arising in said cities and parishes by virtue of this Act; or to the Grand Voyer of the District or his Deputy, if the same shall have happened in a Parish or place, other than the said cities and parishes, to be by him applied thwards the repair of the Highways and Bridges of the District, where the Offence, neglect or default shall have happened; and of the application and expenditure of all which monies so paid to any Grand Voyer or his Deputy up to the first day of January annually, such Grand Voyer shall render an account to the Justices at their General Quarter Sessions in the month of April following to be by them allowed if found just and true; but if any charges therein made shall be objected to by them, and the same shall not be supported by sufficient evidence or proof, they shall disallow such charges, and direct the Balance of monies they shall find remaining in the hands of the Grand Voyer or his Deputy, to be applied to the purposes intended by this Act: but in case any Grand Voyer or his Deputy or any Surveyor or Overseer shall be the Informer (except in the case of omission or concealment of Horses as herein before mentioned) then the whole shall be paid and employed towards the repair of such Highways and Bridges: and all monies arising by virtue of this Act, are hereby granted to His Majesty for the purposes herein before mentioned; and the due application thereof accordingly shall be accounted for to His Majesty through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall direct.

LXXV. Provided always and it is hereby enacted, that no suit or action shall be commenced or brought against any person offending against this Act, unless the same shall be commenced or brought within three months next after the offence committed; and not afterwards, and Provided also, that any Grand Voyer or his Deputy or any Surveyor or

Overseer, shall be deemed in all cases a competent witness in all matters relative to the execution of this Act, notwithstanding he may be the prosecutor or Informer for any Offence, neglect or default against the same.

LXXVI. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced, against any person or persons for anything done or acted in pursuance of this Act; then and in every such case, such Action or suit shall be commenced or prosecuted within three Calendar months after the fact committed, and not afterwards; and the same and every such action or suit, shall be brought within the District where the fact was committed and not elsewhere; and the Defendant or Defendants, in every such Action or suit, shall and may plead the General Issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this present Act; and if the same shall appear to have been so done, or if any such Action or suit shall be brought after the time limited for bringing the same, then Judgment shall be given for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his her or their action, after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, shall and may recover treble costs, and have the like remedy for recovery thereof, as any Defendant or Defendants hath or have in other cases by Law.

LXXVII. And in order to have the contents of the Regulations herein contained more general communicated and known, be it further enacted by the authority aforesaid, that His Majesty's Attorney General of this Province, shall make out an abstract in the English and French Languages, of the most material parts of this Act, relative to the Cities and Parishes of Quebec and Montreal, and another abstract in the English and French Languages, of the most material parts of this Act relative to the Districts of Quebec, Montreal and Three Rivers: And each of such abstracts shall be printed; and when so printed a sufficient number of Copies of the same respectively applicable, shall be distributed by the Clerk of the Legislative Council to the Clerks of the Peace in Quebec and Montreal, and to the Grand Voyers of the Districts of Quebec, Montreal and Three Rivers, for the use of the Surveyors and Overseers within their respective Limits: and the said Clerks of the Peace, and the said Grand Voyers shall respectively deliver or cause to be delivered, a Copy of the abstract by them respectively received, to each and every Surveyor and Overseer at the time when he is appointed: and each and every Surveyor is hereby ordered to read or cause to be read, such abstract publicly at the Door of the Church, Chapel or Place of divine worship within the City, Parish, Seigniority [Seigneurie] or Township; or where there shall be no place of Divine Worship in any Parish, Seigniority or Township; then, at the Door of the most public place in such Parish, Seigniority or Township, on the next Sunday after they shall respectively receive the same; and every Surveyor shall also read or cause to be read, publicly, such abstract at the Door or place aforesaid on the first Sunday in the month of June in every Year; and when it shall be necessary for the purposes aforesaid to reprint such abstracts, the Road Treasurers for the aforesaid Cities and Parishes respectively, and the Grand Voyers for their respective Districts, shall cause a sufficient number of Copies of such abstracts respectively applicable to their limits, to be from time to time reprinted; and they are hereby authorised

to retain the expence of reprinting the same, out of any Monies in their hands arising by virtue of this Act.

LXXVIII. And be it further enacted by the authority aforesaid, that the Deputy of each Grand Voyer, the Surveyors and the Overseers of the Highways for the time being, shall be and hereby are exempted from transporting effects belonging to Government, and from being called out to serve in the Militia, excepting in the case of Invasion of the Province, or of Insurrection in the County where they are respectively serving the said Offices.

LXXIX. And whereas a Road of Communication with Upper Canada would be of great benefit to both Provinces, but the Lands adjoining to the Boundary Line being for a great distance unsettled, and in many places low and marshy; it is expedient and necessary to make a special provision for the purpose; be it therefore further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province, to issue a sum not exceeding Two hundred pounds currency, out of any un-appropriated monies which shall be in the Hands of the Receiver General of this Province; to be applied under the direction of such person or persons, as the Governor, Lieutenant Governor or person administering the Government, shall judge proper to appoint, for the purpose of making a Public Highway, to communicate between the most convenient Highway in this Province; and the Boundary Line of the Province of Upper Canada: and it shall be the duty of the Grand Voyer of the District of Montreal or his Deputy, to fix such Line of direction for the said Highway, as shall admit of making the same most convenient and useful to Travellers, particularly in wet, seasons; and of joining the same with the Highway that extends or shall extend from Upper Canada to the Boundary Line of this Province; of which he shall draw up his Procès Verbal, to be ratified as the Law requires.

LXXX. And be it further enacted by the authority aforesaid, that until a Provision shall be made for the general purposes of Police within the said Cities of Quebec and Montreal, it shall and may be lawful for the Justices in any of their General Quarter Sessions in said Cities respectively, to apply (if they shall at any time or times think the same necessary) a sum not exceeding thirty pounds currency annually in each of the Cities and Parishes aforesaid, out of the Monies arising by virtue of this Act, for the purposes of Carrying into execution any Regulations or objects of Police, within the said Cities and Parishes.

LXXXI. And be it further enacted by the authority aforesaid, that an Ordinance passed by the Governor and the Legislative Council of the late Province of Quebec, the twenty ninth day of March in the seventeenth Year of His Majesty's Reign, intituled, "An Ordinance for repairing and amending the Public Highways and Bridges in the Province of Quebec," and also An Ordinance passed by the Governor and Legislative Council of the late Province of Quebec, the thirtieth day of April in the twenty seventh Year of His Majesty's Reign, intituled, "An Ordinance to explain and amend an Ordinance intituled, "An Ordinance for repairing and amending the Public Highways and Bridges in the Province of Quebec," be, and the said Ordinances and every part thereof are hereby repealed.

LXXXII. And be it further enacted by the authority aforesaid, that such part of an Act or Ordinance passed by the Governor and Legislative Council of the late Province of Quebec, the thirtieth day of April in the twenty eighth Year of His Majesty's Reign, intituled, "An Act or Ordinance to alter the present method of drawing sleds and carriages in order to remedy the inconveniencies arising from Cahots or Banks of snow, formed on the winter Roads, and to amend the same," which has not been already repealed by an Act passed by the Governor and Legislative Council of the said Province of Quebec intituled "An Act to repeal certain parts of an Act therein mentioned relating to Winter Carriages," is hereby repealed.

LXXXIII. And be it farther enacted by the authority aforesaid, that an Act passed by the Legislature of this Province in the thirty third year of His Majesty's Reign, intituled, "An Act to give effect to the regulations relating to Highways and Bridges", be, and the said Act and every part thereof is hereby repealed.