

ificate of such Trustees and Directors, in favor of the person or persons intitied thereto.

Upon Certificate of the Trustees &c. that a School House is prepared, a Master provided and 200 raised by subscription, half the annual allowance to be raised.

VIII. *And be it further enacted*, That as soon as the said Trustees and Directors in any of the said last mentioned Counties, shall certify to His Honor the PRESIDENT or Commander-in-Chief for the time being, that such County hath provided a Building suitable for a Grammar School, and that they the said Trustees and Directors have provided a Master capable to manage the said School, and that the sum of *one hundred pounds* hath been raised or subscribed by the Inhabitants of such County, payable and to be paid to the said Trustees and Directors of such School, in aid of the support and maintenance of the said Master, that then it shall be lawful for His Honor the PRESIDENT or Commander-in-Chief to draw by warrant, by and with the advice and consent of His MAJESTY'S Council, on the Treasury of the Province, for one half of the said sum of *one hundred pounds*, in favor of the Master or Teacher of the said School, and so from time to time upon like Certificate in half yearly payments for the use of such School: *Provided always*, that all sums of money which shall be borne upon the estimate as aforesaid from year to year for the use of such Schools, and which shall not be drawn from the Treasury of this Province pursuant to this Act, shall revert to the Provincial Fund, to be appropriated by the Legislature.

Sums not drawn for, to be re-appropriated by the Legislature.

IX. *And be it further enacted*, That the Trustees and Directors of the Grammar Schools for the said Counties last mentioned respectively, shall be accountable from time to time to the Legislature of the Province, for their conduct and management of the money to be vested in them, by virtue and in pursuance of this Act.

Trustees to be accountable to the Legislature.

XXII.

An Act for the establishment, regulation and improvement of the great Roads of Communication through the Province.

Passed the 11th of March, 1816.

Preamble.

WHEREAS it is expedient that a more effectual system should be established for the regulation and improvement of the great Roads leading through the Province.

Great Roads of Communication established.

I. *Be it therefore enacted by the President, Council and Assembly*, That the Roads as herein described be, and they are hereby appointed and established to be the great Roads of Communication through the Province, that is to say,

Fredericton to Saint John,

That the Road from Fredericton to Saint John, be by the following line or route:--from Fredericton to the Road leading from the highway near *Daniel Curry's* in Gage-Town, then along the said Road to the Mill at the head of Gage-Town Lake, thence following the Road to *Worden's*, thence down the Long Reach to Alwington Manor, thence to meet the Manawagonish Road, thence to the west side of the City of St. John, commonly called Carleton, thence across the short ferry to the Parish of Portland, and thence to the City of Saint John.

That

That the Road leading from Fredericton to Westmoreland Fredericton to Westmoreland. be by the following line or route, that is to say,

From Fredericton to *Worden's* as above described, thence to the head of the Belisle, thence to the Finger-board at *Knox's* Farm, thence through *Sussex Vale*, thence by *Carlisle's* Portage to *James Blakeney's* upon the Petticodiac River, thence down the said River to the Bend, thence through the Portage between the Petticodiac and Memramcook Rivers, thence across the Memramcook by the new Bridge to the Court-House in Dorchester, thence through the Portage to Sackville, thence by the Road leading over the great Marsh to the Missequash River, the Boundary line of the Province, to join the Post Road of Nova-Scotia.

That the Road leading from Fredericton to Saint Andrews, Fredericton to St. Andrews. be by the following line or route, that is to say,

From Fredericton to *John Hazen's*, near the mouth of the Oromocto River, thence by the Road leading through the New-Geary settlement so called, to the Block-house near the Oromocto River, thence to the Block-house near the Forks of the Magaugadavic River, thence by the Pleasant Ridge to *Wittcher's*, thence by the Dideguash River to *Connick's*, thence to *Gilman's*, thence to *Cookson's*, and thence to Saint Andrews.

That the Road leading from Fredericton to the Canada line, Fredericton to the Canada line. be by the following line or route, that is to say,

From Fredericton upon the west side of the River Saint John to *John Kelly's*, thence to cross the River to *Michael Mc Nelly's*, thence to *Joseph Woberton's* in the Parish of Northampton, thence across the River St. John to Mr. *Fraser's* lower Farm in Woodstock, thence to the Garrison at Presquisie, thence across the larger Presquisie Creek near the mouth to the River Roostock, thence across the said River near the mouth, thence to the Grand Falls, and from thence to the Canada line through the Madawaska settlement.

That the Road leading from Fredericton to the Northumberland Court-House, Fredericton to Northumberland be by the following line or route, that is to say,

From Fredericton across the Ferry to Moncton, thence following the present Road to *Duncan McLeod Senior's* Farm on the west side of the Nashwalk Creek, thence to cross the said Creek to the widow *McLeod's*, thence following the present Portage Road to *Porter's*, thence along the south side of the Miramichi River to *Davis's* Tavern, thence to cross the River to *Lewis Mitchell's*, thence along the west side of said River to the Forks of the Miramichi and Etienne Rivers, thence to cross the River Miramichi to *Babcock's* on the east side of said River, thence along the east side of said River to *Peter Stewart's* opposite the Indian Town, thence to cross the said River to the Tavern at present occupied by *John Forth* on the west side of the same, thence along the west side of said River to *Bobear's* Point, thence to cross the north-west branch of the Miramichi River to *Patrick Taylor's* on the north side of said branch, thence to continue on the north side of said River to the Court-House in the Parish of New-Castle.

That the Road leading from Saint John to Saint Andrews, S. John to Saint Andrews. be by the following line or route, that is to say,

By Carleton to the Bridge upon the Musquash, thence to Little Dipper Harbor, thence to pass in the neighbourhood of great

great Dipper-Harbor, thence by the Bridge upon the Le Proc River, at the head of *Mace's Bay*, thence to *Vernon's*, thence to the Bridge across the Magaugadavic River, thence to the projected Bridge upon the Digdeguash River, thence through the Buckabec settlement to Chamcook, and thence to Saint Andrews.

Saint John to Westmoreland.

That the Road leading from the City of Saint John to Westmoreland, be by the following line or route, that is to say,

From Saint John to Hampton Ferry, thence by the Road leading through Hampton to the Burnt Hill, thence by the new Road to *Knox's Farm*, and thence to the Misseguash as herein-before described.

Width of Roads.

II. *And be it further enacted*, That all the before-mentioned public Roads shall be laid out four rods wide, and be opened and worked of such width as the Supervisors in their respective Districts, shall in their discretion deem necessary.

Supervisors appointed.

III. *And be it further enacted*, That the following persons be, and they are hereby appointed Supervisors of the said public Roads, and in and for the Districts herein specified and limited, that is to say, *Edward W. Miller*, *James Brittain* and *Henry Nase*, to be Supervisors of that part of the public Road leading from Fredericton to Saint John.

Benjamin Wilson, *George Harding* and *Ichabod Lewis*, to be Supervisors of that part of the public Road leading from Fredericton to Westmoreland, which lies between *Worden's Ferry* and the Misseguash.

John Campbell, *Christopher Hatch* and *Gabriel De Veber*, to be Supervisors of the aforesaid public Road leading from Fredericton to Saint Andrews.

Daniel Morehouse, *Thomas Lee* and *George D. Barton*, to be Supervisors of the public Road leading from Fredericton to the Canada line.

James Mc Nabb, *Joseph Saunders* and *John Henderson*, to be Supervisors of the public Road leading from Fredericton to the Northumberland Court-House.

John Mount, *Thomas Weyer, Jun.* and *Moses Vernon*, to be Supervisors of the Road leading from Saint John to St. Andrews.

Charles I Peters, *Nathaniel Golding* and *Caleb Wetmore* to be Supervisors of that part of the public Road leading from St. John to Westmoreland, which lies between the City of Saint John and the Finger-board at *Knox's Farm*.

Supervisors to give security.

IV. *And be it further enacted*, That every Supervisor appointed by this Act, shall give such security for the faithful performance of the duties required of him, and for accounting for the public monies intrusted to him, as His Honor the PRESIDENT or Commander-in-Chief for the time being, with the advice of His MAJESTY'S Council, shall deem fit and proper.

Supervisors to have the sole ordering of repairs and alterations.

V. *And be it further enacted*, That the Supervisors appointed in and by this Act, shall have the sole ordering of the repairs and alterations which may be necessary for the completing the said Roads within their respective limits or Districts, and keeping them at all times during their continuance in office in the best practicable state for the passage of Men, Horses, Cattle, Teams and Carriages.

Sums to be allowed from the Province Treasury,

VI. *And be it further enacted*, That there be allowed and paid out of the Province Treasury, the following sums of money

money, that is to say, to the said *Edward W. Miller, James Brittain* and *Henry Nase*, Supervisors as aforesaid, the sum of *four thousand pounds* towards improving and repairing the public Road between Fredericton and Saint John, and for building and repairing Bridges upon the same. Fredericton to St. John.

To the said *Benjamin Wilson, George Harding* and *Ichabod Lewis*, the sum of *four thousand pounds* towards improving and repairing the public Road between *Worden's* and the *Missequash*, and for building and repairing Bridges upon the same. From Worden's to the Missequash.

To the said *John Campbell, Christopher Hutch* and *Gabriel De Veber*, the sum of *three thousand pounds* towards improving and repairing the public Road between Fredericton and Saint Andrews, and for building and repairing Bridges upon the same. Fredericton to St. Andrews.

To the said *George D. Berton, Thomas C. Lee* and *Daniel Morehouse*, the sum of *three thousand pounds* towards improving and repairing the public Road leading from Fredericton to the Canada line, and for building and repairing Bridges upon the same. Fredericton to the Canada line.

To the said *James M^r Nabb, Joseph Saunders* and *John Henderson*, the sum of *four thousand pounds* towards improving and repairing the public Road between Fredericton and the Northumberland Court-house, and for building and repairing Bridges upon the same. Fredericton to Northumberland

To the said *John Mount, Thomas Wyer, Jun.* and *Moses Vernon*, the sum of *three thousand pounds* towards improving and repairing the public Road between the City of Saint John and Saint Andrews, and for building and repairing the Bridges upon the same. Saint John to Saint Andrews.

And to the said *Charles I. Peters, Nathaniel Golding* and *Caleb Wetmore*, the sum of *two thousand pounds* towards improving and repairing the public Road between the City of Saint John and the Finger-board at *Knox's Farm*, and for building and repairing the Bridges upon the same. Saint John to the Finger-board.

VII. *And be it further enacted*, That the before-mentioned sums of money shall be paid by the Treasurer by warrant of His Honor the PRESIDENT and Commander-in-Chief for the time being, by and with the advice of His MAJESTY'S Council: *Provided nevertheless*, that no more than one third part of the said respective sums of money shall be drawn from the Treasury, and be paid to the respective Supervisors at any one time; *and provided also*, that the application for such sums shall be made by a majority of such Supervisors of their respective Districts. Monies to be paid by warrant, &c. Not more than one third at one time. Application to be made by a majority of Supervisors.

VIII. *And be it further enacted*, That the said Supervisors shall respectively keep an exact account of the expenditure of the said several and respective sums, and shall produce receipts in writing from the several and respective persons to whom any part of the said sums of money shall be paid as vouchers for the payments, and shall render an account thereof upon oath, which oath any Justice of the Peace in the several and respective Counties is hereby authorized to administer, to be transmitted to the office of the Secretary of the Province, for the inspection and examination of the General Assembly. Supervisors to account for the monies, and produce receipts.

IX. *And be it further enacted*, That it shall be the duty of the

said Supervisors when practicable, to prefer Contracts for the making and repairing the Roads and Bridges within their respective Districts, and to avoid as much as possible the hiring of men by days work, the amount of the Contracts, and the wages of Laborers hired by the day to be paid in cash.

Statute Labour to be performed under the direction of the Supervisors, who may compel the performance at such times as they think proper, and may exact fines.

X. *And be it further enacted,* That the ordinary statute Labour of all persons residing upon the said public Roads, (liable by Law to work on said Roads) shall be done and performed in the respective Districts, under the authority and direction of the respective Supervisors of such Districts, who shall have the sole power to compel and direct the performance of the same at such times and seasons as to them shall respectively appear convenient and proper, and to expend when collected as by Law is provided, the fines of those who shall neglect or refuse to perform their statute Labour upon the same.

Supervisors may after notice seize and dispose of Fences, Timber and other things found on the Roads,

XI. *And be it further enacted,* That all Fences, Timber, Wood, Stones, Boards, Planks and Rubbish of any kind which shall be found to remain upon any part of the said public Road, after six days previous public notice by the respective Supervisors to remove the same shall be forfeited, and it shall and may be lawful for the said Supervisors respectively or any of them without any suit or process of Law whatever, to cause all articles so found to be seized and disposed of in such way and manner as he or they may think proper, and if the same shall be sold, the proceeds of such sale shall be applied by the said Supervisor or Supervisors, for the repairs and improvement of such Roads.

If the articles are sold, the proceeds to be applied on the Roads

Supervisors may if necessary, go out of the Roads to procure materials for repairs.

XII. *And be it further enacted,* That in case it shall be necessary or expedient for the Supervisors of their respective Districts, to go out of the said Roads to procure materials for the repairs of the said Roads, it shall and may be lawful for the said Supervisors respectively, when from the absence or obstinacy of the owner or possessor of the soil, no agreement can be made with him, to enter with workmen, carts, carriages and horses upon any uncultivated Lands, and therefrom to dig, take and carry away for the repairs of the said Roads, stone or gravel, and also therefrom to cut down and carry away Trees and Bushes, for Logs, Poles and brush-wood to repair the same Roads, and the damage done thereby shall be appraised and ascertained by the judgment of three indifferent freeholders to be nominated by the nearest Justice of the Peace for that purpose, and the sum so ascertained shall be paid or tendered by the Supervisors respectively, to the owner of the soil if demanded within three months from such appraisement.

Damage to be appraised and paid for,

Penalty on Persons wilfully interrupting Supervisors.

XIII. *And be it further enacted,* That if any person or persons shall wilfully hinder or interrupt any Supervisor in the lawful exercise of the duties incident to his office, such person or persons so offending shall forfeit the sum of *five pounds*, to be recovered before any Justice of the Peace of the County where such offence may be committed upon conviction, upon the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's Goods and Chattels, to be paid to the Supervisors of the District where such offence shall be committed, for the use of the public Road within such District.

Supervisors may plead the general issue in actions brought

XIV. *And be it further enacted,* That in case any action of trespass, or upon the case shall be brought against any or either

either of the said Supervisors by reason of any thing done by them or him in the execution of his duty under and by virtue of this Act, such Supervisor or Supervisors may plead the general issue and give the special matter in evidence at the trial in like manner as if such matter had been fully and specially pleaded.

XV. *And be it further enacted*, That each of the said Supervisors shall be respectively paid for every day they shall be actually employed in surperintending the repair and alterations of the said Road and Bridges, the sum of *twenty shillings* in lieu of commissions for the said service and no more, which sum shall be retained by the said Supervisors out of the monies paid for the service of the said Road from time to time as the same shall become due, and be charged in their accounts respectively, provided that the sum so retained shall not exceed the sum of *seventy-five pounds*, to either of the said Supervisors in any one year.

XVI. *And be it further enacted*, That in case of the death, removal from the District or refusal of any Supervisors to act, it shall and may be lawful for His Honor the PRESIDENT OR Commander-in-Chief for the time being, by and with the advice of His MAJESTY'S Council, to nominate and appoint some other fit person being a substantial freeholder, and having a freehold and residence in the District for which such person shall be appointed, to be a Supervisor in the room of such person so deceased or removed from the District, or who shall refuse to act.

XVII. *And be it further enacted*, that all and whatsoever sums of money which have heretofore been granted towards repairing and improving any part or parts of the Roads herein-before established as the great Roads of Communication in this Province, and which remain in the hands of the respective Commissioners or persons entrusted with the expenditure of the same, unexpended and not contracted for at the time of passing this Act, be forthwith paid into the hands of the Supervisors of the respective Districts in which the said sums of money were to have been expended over and above the sums of money herein-before granted to them respectively.

XVIII. *And be it further enacted*, That the said Supervisors for the respective Districts shall not make any alterations in any part of the great Roads within their respective Districts, through any improved Land without the consent of the owner or owners thereof, or agreeing with or paying to him or them the value of the said improved Land so to be laid out into such public Road, with such damages as he or they may sustain by the said Road, and in case they cannot agree, then the true value to be set and appraised by five disinterested freeholders to be nominated and appointed by the nearest Justice of the Peace, on the oath of such freeholders, which oath the said Justice is hereby authorized to administer, the amount of the value and damages, with the incidental expence, to be defrayed by the Supervisors of the respective Districts, out of the monies herein-before granted for the use of the said Road.

XIX. *And be it further enacted*, That the Supervisors of the respective Districts for which they shall be appointed, shall enter in writing the said public highways, and the alterations that may be made from time to time within the same, and

make a return thereof into the office of the Secretary of the Province, and also a duplicate thereof into the office of the Clerk of the Peace for the County in which such public Road lies, to be by such Clerk entered into a book kept by Law for that purpose, and whatsoever the said Supervisors shall respectively do according to the powers given to them in this Act, shall be valid and good.

Acts of the Supervisors to be valid.

XX. *Provided always, and be it further enacted,* That nothing herein contained shall be construed to extend to oblige the Supervisors or any of them to lay out the several sums heretofore granted, or any or either of them within the current year, unless in cases where the same can be done advantageously to the public interest.

Supervisors not obliged to expend the sums granted, within the current year.

CAP. XXIII.

An Act to encourage the establishment of Schools in this Province.

Passed the 16th of March, 1816.

WHEREAS the education of Youth is of the utmost importance and public attention to that object, in affording them easy means of acquiring useful knowledge, has been found to be attended with the most beneficial effects in society.

Preamble.

I. *Be it enacted by the President, Council and Assembly,* That the Justices of the General Sessions of the Peace for the several and respective Counties in this Province, shall and may at the time of making the annual appointment of Town or Parish Officers, have power and authority to nominate and appoint two or more fit persons to be Trustees of and for Schools in the several Towns or Parishes within their respective Counties, who shall be sworn to the faithful discharge of their duty, and be in every respect subject to the same rules, regulations, penalties and forfeitures as any other Town or Parish Officers are subject to, by virtue of an Act made and passed in the twenty-sixth year of His MAJESTY'S Reign, entitled "An Act for the appointment of Town or Parish Officers in the several Counties of this Province," and in such of the said Counties wherein the said Court of General Sessions has been already held in this year, or shall be held before the publication of this Act, it shall and may be lawful for the Justices of the said Sessions to call and hold, as soon as conveniently may be after the publication of this Act, a special Session for the purpose of appointing such Trustees as aforesaid, which said Trustees so appointed, shall in all respects act and be liable as if they had been appointed at the General Sessions of the Peace as herein-before directed, and shall continue in office until other persons shall be appointed in their stead, in such Counties respectively.

Justices in Sessions to appoint Trustees for Schools.

Trustees to be sworn, and liable to penalties.

Trustees may be appointed at a Special Session.

II. *And be it further enacted,* That it shall be the duty of the Trustees to be appointed under and by virtue of this Act, as soon as may be after their appointment, after giving fifteen days previous public notice, to summon the inhabitants of their respective Towns or Parishes, being freeholders or hav-

Duty of Trustees