

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1787. Saint John, NB: J. Ryan, 1787.

27 George III – Chapter 5

An Act in Addition to an Act for laying out, repairing, and amending Highways, Roads, Streets, and for appointing Commissioners and Surveyors of Highways within the several towns or parishes in this province.

Whereas the erecting marks on the Highways, Marshes, and Rivers, for the directions of Travellers, during the winter season, will be of the greatest public utility, and tend much to preserve the lives and property of the inhabitants.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the commissioners of highways, and roads for each town or parish, or a major part of them, be, and they are hereby authorised and required, after the first snow, and as soon as the rivers and marshes are safe for the passing of cattle on the ice, to order the surveyors of highways and roads, for the said town or parish, to summons forthwith so many inhabitants as the said commissioners shall in their discretion think necessary, between the age of sixteen and fifty years, to work after such manner as they the said surveyors shall direct, in cutting and carrying bushes, or marking ways. And such person not attending, or refusing to perform the said work as directed by the Surveyors, shall forfeit the sum of five shillings, for each days neglect, and the rivers and the several parts of the same when frozen over as aforesaid, shall be considered as a part of the towns or parishes to which they are respectively opposite, for the purposes directed by this act, and the commissioners of the towns or parities opposite to each other, upon any river, are hereby authorised and required to agree upon and determine the distance upon the said river, which is to be worked upon by their respective towns in pursuance of this act.

II. And be it further enacted, That all persons keeping teams, shall be obliged forthwith on being summoned by the said Surveyors, to send their teams with a competent driver to work in such manner as the said Surveyors shall direct, and on any such person neglecting to send their teams and a good driver, or not performing such reasonable work as she said Surveyors shall direct, the owner of the said team shall forfeit the sum of ten shillings.

III. Be it further enacted, That the said way shall be marked in such place as the said commissioners shall direct, and with top'd bushes erected at the distance of not more than four rods length-ways of the said path from each other, opposite to each other, at the distance of twelve feet across the path, and five feet in height; and on any of the said marks being displaced, the Surveyors shall summons forthwith as many of the nearest inhabitants with their teams, as they may judge necessary to replace them and in case of refusal or neglect, every person so offending, shall forfeit the sum of five shillings for each man, and ten shillings for each team for each day so summoned.

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Provided, when the public roads are on the bank of the river, and do not exceed four rods in width, the said path shall be marked on the river. The said fines and forfeitures to be recovered by complaint to a Justice of the Peace, as in case of refusal to labor on the highways, and to be appropriated by the Surveyors towards performing the said service.

Provided always, That the number of hours which any person shall work in pursuance of the direction of this act, shall be deducted from and allowed as a part of the number of hours he is obliged by law to work upon the highways.

IV. And be it further enacted, That if any person shall wilfully cut or take down, or destroy any of the bushes so to be erected by virtue of this act, he shall forfeit and pay the sum of three pounds, upon conviction before any one of his Majesty's Justices of the peace, upon the oath of one or more credible witness or witnesses, to be levied by warrant of distress, and sale of the offenders goods, rendering the overplus if any, after deducing costs and charges, to the offender. One half of the said forfeiture to the use of the poor of the town or parish where such offence shall be committed, the other moiety to him or them who shall inform and sue for the same.

V. And be it further enacted, That if any commissioner or Surveyor shall neglect any part of the duty prescribed by this act, each one so guilty, shall forfeit the sum of three pounds, to be recovered in the manner, and to the uses aforesaid.

VI. And be it further enacted, That this act shall continue and be in force until the first day of May, which will be in the year of our Lord One Thousand Seven Hundred and Eighty-Nine, and no longer.