

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1805. Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1805.

45 George III – Chapter 8

An Act to regulate the Winter Roads in the Counties of York and Sunbury. Passed the 5th of March, 1805.

I. Be it enacted by the President, Council and Assembly, That from and after the passing of this Act, the Commissioners of Highways or the major part of them for the time being, in the several Towns and Parishes in the Counties of York and Sunbury, along which it may be necessary to break Winter Roads on the River Saint John, in the said Counties, shall order the Surveyors of Highways in their several districts, so soon as the Ice shall be sufficiently strong to bear a Team or Teams, and immediately after the first fall of Snow, to summon the Inhabitants of the said Parishes to labor on the said Winter Roads, by marking the same in lines as straight as may be, with One Row of Evergreen or other Bushes, erected at distances not exceeding Four Rods from each other. And there shall be erected on the said Roads, not exceeding Sixty Rods from each other, nor nearer than One Rod to the said row of Evergreen or other Bushes, one large single Evergreen bush, to designate a place where Travellers may pass each other.

II. And be it further enacted, That all persons travelling on the said Winter Roads with their Horses, Cattle, Sleds, and Carriages of every denomination, shall, and they are hereby obliged to travel on that Road, so as to leave the said large single Evergreen bush always on the Left hand, and in all cases when Travellers meet each other, below Fredericton, those who are going down the River, shall be obliged to stop at the first and nearest single Evergreen bush; and whenever it shall happen that Travellers meet each other above Fredericton, those going up the River shall in like manner be obliged to stop at the said first and nearest single Evergreen bush: And in all cases where it shall happen that any person or persons travelling on the said Winter Road, shall Overtake slow moving Sleds or Cattle, the person or persons driving or owning the same, shall be obliged to stop at the said first and nearest single Evergreen bush to enable any Traveller or Travellers to pass on forwards, so that all Travellers with their horses, Cattle, Sleds and Carriages of every denomination, may be enabled to pass each other, under the penalty of Ten Shillings for each and every offence committed contrary to the true intent and meaning of this Act, to be recovered with costs upon complaint to any one of His Majesty's Justices of the Peace for the said Counties where the offence shall be committed, to and for the use of the Informer.

III. And be it further enacted, That the said Commissioners or the major part of them, shall proceed to lay out the said Winter Road or Roads on the same side of the Bushes on which shall be erected the said large single Evergreen bush. Provided always, that from the lower landing place to the upper and usual landing place above Fredericton, and along the front Street of the same the said Commissioners or the major part of them are hereby required to lay out the said Winter Road on each side, and within Six feet of the said One row of Bushes erected as aforesaid, and all persons travelling with their Horses, Cattle, Sleds and Carriages of every denomination, are hereby obliged to travel on that Road within the aforesaid limits, so as to leave the said One row of

Bushes always on the Left hand, under the penalty of Ten Shillings for each and every offence, to be recovered and applied as aforesaid.

IV. And be it further enacted, That the said Commissioners or the major part of them, shall and they are hereby required to agree and determine the distance upon the said River, which is to be worked by their respective Towns or Parishes, and the Surveyors of Highways shall proceed to break the said Winter Roads agreeably to Law.

V. And be it further enacted, That the Winter Roads so to be marked on the River Saint John, shall be laid out from the lower Boundary of the County of Sunbury to the lower Boundary of the County of York, from thence to the landing place at Fredericton, and from thence through the front Street of the Town Plat until the same descends upon the River Saint John at the usual landing place, and from thence to the lower end of Savage Island.

VI. 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, shall forfeit and pay the sum of Thirty Shillings 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 offender's goods, rendering the overplus, if any, after deducting the costs and charges to the offender, to and for the use of the Informer; and for want of such effects to levy on, the said offender or offenders, shall be imprisoned for a time not less than Six nor exceeding Ten days.

VII. And be it further enacted, That every Inhabitant in the said Counties keeping a Team or any Carriage whatever drawn by one or more Horses, Ox or Oxen, shall be obliged, on being duly summoned, to send his Team or Carriage with a competent driver, to work in such manner as the said Surveyors shall direct. And on such person or persons neglecting or refusing to send his Team or Carriage and a good driver, or not performing such reasonable work as the said Surveyors shall direct, the owner of such Team or Carriage shall forfeit the sum of Ten Shillings. And every Commissioner or Surveyor who shall refuse or neglect to perform the duty enjoined and required by this Act, shall forfeit and pay for every such refusal or neglect the sum of Three Pounds, the fines aforesaid to be recovered on complaint, with costs of suit, before any one of His Majesty's Justices of the Peace, and the forfeiture applied for repairing the Highways, under the direction of the Commissioners or the major part of them, of the Towns or Parishes where the said forfeiture shall accrue. Provided always, That such person or persons keeping a Pleasure Sleigh or Sleighs only, shall not be obliged by this Act to perform any other labour on the said Winter Roads, except to break the same when duly summoned so to do.

VIII. And be it further enacted, That no person or persons summoned as aforesaid, shall be obliged to go further from their respective homes than three Miles, or to work on the said Winter Roads more than Four days in any one Winter.

IX. And be it further enacted, That whenever the Surveyors of Highways on the Rivers Nashwack and Penniack [Penniack], in the Parish of Saint Mary's and County of York, shall during the Winter season deem the labour of Men necessary, it shall and may be lawful for such Surveyors forthwith

to summon such and so many of the Inhabitants with their Shovels or such other proper implements as the said Surveyors or Surveyor shall direct, not exceeding Four times in any one Year, nor a greater distance than Three miles from their own houses, and in case of refusal or neglect shall forfeit and pay for each and every offence the sum of Three Shillings, to be recovered with costs of suit in manner described in the seventh section of this Act.

X. And be it further enacted, That all Sleds made use of for the purpose of transporting Wood, Hay, or other heavy materials to or from or in the Settlements on the Rivers Nashwack and Penniack aforesaid, and drawn by one Horse or one Ox, shall not be less or more than Three feet Eight inches from outside to outside of the runners thereof: And if any person or persons whatever shall make use of any single Horse or Ox Sled as aforesaid of less dimensions, and be thereof convicted by the Oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace or on view of such Justice, shall forfeit and pay the sum of Five Shillings, the same to be recovered and applied in manner directed in the seventh section of this Act. Provided always, That nothing herein contained shall be construed to extend to any Sled a Man may use upon his own Farm only, or to any Pleasure Sleigh whatever.

XI. And be it further enacted, That all persons travelling to the Settlements on the Rivers Nashwack or Penniack above the great Rapids so called, with Sleds or Sleighs drawn by one Horse or one Ox, shall at all times be obliged to trawl on the Highway as now laid out, on the westerly side of the said River Nashwack, leading from the Moncton Ferry to the said Settlements, under the penalty of Ten Shillings, to be recovered as aforesaid, all which forfeitures shall be paid to the person or persons prosecuting the same to conviction.