

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1816. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1816.

56 George III – Chapter 22

An Act for the establishment, regulation and improvement of the great Roads of Communication through the Province. Passed the 11th of March, 1816.

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.

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,

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 [Gagetown], 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 Marawagonish Road, thence to the west side of the City or St. John, commonly called Carleton, thence across the short ferry to the Parish of Portland, and thence to the City of Saint John.

That the Road leading from 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 [Belleisle], 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 [Petitcodiac] 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 Misseguash River, the Boundary line of the Province, to join the Post Road of Nova-Scotia.

That the Road leading from Fredericton to Saint 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 [Digdeguash] 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, 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 M'Nelly's, thence to Joseph Wolverton'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 Presquise [Presque Ilse], thence across the larger Presquise Creek near the mouth to the River Roostock [Rootstock], 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, 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 M'Leod Senior's Farm on the west side of the Nash walk Creek, thence to cross the said Creek to the widow M'Leod's, thence following the pre-sent 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 Ettienne 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 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 [Newcastle].

That the Road leading from Saint 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 Harbour, thence to pass in the neighbourhood of great Dipper-Harbor, thence by the Bridge upon the Le Proe [Lepreau] 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 [Bocabec] settlement to Chamcook, and thence to Saint Andrews.

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.

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.

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 Nose, 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 Missequash.

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. Berton, to be Supervisors of the public Road leading from Fredericton to the Canada line.

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

John Mount, Thomas Wyer, 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.

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.

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.

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

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.

To the said John Campbell, Christopher Hatch 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.

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.

To the said James M'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.

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.

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.

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.

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.

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.

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.

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 or 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.

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 appraisalment.

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 offenders 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.

XIV. And be it further, enacted, That in case any action of trespass, or upon the case shall be brought against any or either of the said Supervisors by reason of any tiling 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 superintending 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.

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,

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or any or either of them within the current year, unless in cases where the same can be done advantageously to the public interest.