

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1826. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1826.

7 George IV – Chapter 23

An Act in amendment of “An Act, for regulating, laying out, and repairing Highways and roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes within this Province.” Passed the 7th of March, 1826.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Commissioners of Roads, in the several Towns and Parishes in this Province, when they may think it expedient and necessary, to direct the Surveyors of Roads to provide such materials as may be necessary for making or repairing the Roads and Bridges within their respective Districts, and the said Surveyors are hereby authorized, when so directed, to summon so many of the inhabitants of the said Parish, as the said Commissioners shall in their discretion think necessary, to work after such manner as they the said Surveyors shall direct, in providing materials as aforesaid, and the number of hours which any person shall work as aforesaid, shall be deducted from, and allowed as a part of the number of hours he is obliged by Law to work, on the Highways, and any person or persons not attending, or refusing to work, when summoned as aforesaid, shall forfeit the sum of four shillings for each day's neglect; and that all persons keeping any Waggon, Carts, Trucks, Sleds or Teams, shall, when called upon by such Surveyor, for the purposes aforesaid, attend with the same in the manner directed in and by the tenth section of the above recited Act, and subject to the same penalties and forfeitures for neglecting and refusing, to attend as in and by the said Section is provided.

II. And be it further enacted, That it shall be the duty of the Surveyors of Highways in the several Parishes in this Province when so directed by the Commissioners, to summon the Inhabitants thereof, to perform their several proportions of Labour on the Highways in the most fit and suitable time between the first day of May and the first day of September, in each and every year, and shall proceed to expend the Labour on the Roads and Highways in the manner directed by the eighth Section of the Act to which this is an amendment, subject nevertheless to such orders and directions as they may from time to time receive from the Commissioners; and the said Surveyors are hereby required within six days after the said labour has been performed as aforesaid; to report to the Commissioners of Roads, such person or persons as have refused or neglected to perform their proportions of labour on the Highways, and the said Commissioners are hereby required without delay, after receiving such report, to proceed against such delinquent or delinquents as directed by the ninth Section of the hereinbefore recited Act.

III. Provided always, and be it further enacted, That if any person who may be summoned to do his labour, or any part thereof, in any Parish in this Province, shall have done his tour of labour, or any part thereof, in any other Parish, he shall produce a certificate thereof from the Commissioner of such last mentioned Parish; to the Surveyor by whom he shall be so summoned, within six days after such summons, and if he shall neglect to produce such Certificate within the time so specified, he shall not be allowed to derive any benefit or Exemption therefrom, and that no

Justice of the Peace shall receive any such Certificate in evidence upon any prosecution to be brought under the provisions of this Act, or the Act to which this is an amendment, as a defence to such prosecution, unless it shall be made to appear to his satisfaction, that such certificate was produced to, or left at the dwelling House of such Surveyor, within the time above specified.

IV. And be it further enacted, That the returns which the Commissioners are required by the eleventh Section of the herein before recited Act, to make into the office of the Clerks of the Peace for the several and respective Counties, shall from henceforth be made on or before the first day of December in each and every year.

V. And be it further enacted, That any person or persons when called, upon by the purveyor of any Parish, shall within twenty-four hours give and render to the said Surveyor a particular Account and statement in writing, containing the names of all persons who may be in his employ, and who may be liable to perform labour on the Highways and if any person or persons shall neglect, or refuse to render such account when so called upon, or shall give and render a false or incorrect account or statement, he shall forfeit and pay the sum of twenty pounds, to be sued for and recovered before any two justices of the Peace in and for the County in which the said Parish in situate and the penalty when recovered, to be paid into the hands of the Commissioners to be by them applied in making and repairing any road in their Parish.

VI. And whereas, the Laws now in force have been found insufficient to prevent the laying of Wood, Stones and Rubbish on the Streets and Highways, in many parts of this Province, Be it further enacted, That it shall be the duty of several and respective Commissioners and Surveyors in the several Towns and Parishes of the province to cause all Wood, Stones, Rubbish and Incumbrances of any kind winch may be laid upon any Street, or Highway, to be forthwith removed, and in case the person who shall have laid the same thereon be known, to cause him to be prosecuted as directed by the third section of the said hereinbefore recited Act, and in case such person be not known, the said articles if saleable, shall be forfeited and sold by order of the said Commissioner or Surveyor, after three days public notices unless sooner claimed, and the proceeds arising from such sale, shall be applied to the repairing of such Streets or Highways, after deducting the charges of removing the said incumbrances, and in case such incumbrances be of a nature not to produce any thing by the sale thereof, then the said Commissioners or Surveyors shall be empowered to employ any person liable to labour on the Highways to remove such Incumbrances, which person shall be allowed therefor according to the time he may be employed, to be deducted from the time he shall be by Law liable to work on the Streets or Highways.

VII. And be it further entitled, That the said recited Act, and every clause thereof, except wherein the same is altered and amended shall continue and be in full force, any thing to the contrary herein contained notwithstanding.

VIII. And be it further enacted, That this Act shall continue and be in force as long as the said recited Act of which this is an amendment and no longer.