

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1841. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 27

An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town. Passed 19th March 1841.

'Whereas from a recent Survey of the Street or Highway through the Town of Chatham, it appears that the same in many cases departs wholly from the original record thereof, and that buildings have been erected on the recorded line, the removal of which would cause much inconvenience, annoyance and expence: and whereas the Commissioners of Highways have experienced great difficulty in preventing encumbrances thereon, from the bounds of the said Street or Highway not being properly defined: And whereas from the buildings and erections in the said Town, a sufficient space is not left to enable the Commissioners of Highways to lay out and record a Street or Highway through the said Town of the width of four rods as by Law is required: And whereas great inconvenience has arisen to the public in consequence of the several Landings in the Town being obstructed; for remedy whereof,'

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Lieutenant Governor to appoint three or more fit persons Commissioners to lay out a Street or Public Highway through the Town of Chatham, commencing at Coulson's Slip, so called, and terminating at Saint Andrew's Church.

II. And be it further enacted, That it shall be the duty of the said Commissioners in laying out the said Street or Highway to adhere to the line of road as at present used through the said Town and commonly called Water Street, and to make the same as wide and strait as practicable, not in any case interfering with buildings or the private rights of individuals.

III. And be it further enacted, That the said Commissioners shall forthwith after laying out the said Street or Highway make a return thereof in writing under their hands into the Office of the Clerk of the Peace for the County of Northumberland, who shall enter the same in the book kept for the purpose of recording Roads or Highways; which return shall distinctly designate the marks, bounds and lines by which the said Street or Highway may be known and ascertained; and whatsoever the said Commissioners shall do according to the powers given them in this Act being so entered shall be valid and good to all intents and purposes whatsoever, and the said Street or Highway when so laid out and entered as aforesaid, shall be deemed and used as a public Street or Highway for the use and benefit of the public, in as ample and full a manner as if the same had been laid out and recorded under and pursuant to the provisions and regulations of an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in

this Province, and to make more effectual provision for the same," or under or pursuant to any Act of Assembly now in force for establishing and regulating Highways in this Province.

IV. And be it enacted, That the Commissioners to be appointed under the provisions of this Act or the major part of them are hereby authorized and empowered to lay out or define such of the Landings in the Parish or Town of Chatham as shall be public Landings: Provided always, that they are not in any case authorized under the provisions of this Act to interfere with the private rights of individuals without the written consent of the proprietors.

V. And be it further enacted, That all such Landings as the said Commissioners or the major part of them shall lay out or define to be public under the provisions of this Act, such Commissioners or the major part of them shall cause to be recorded with the Clerk of the Peace for the County, which record when so made shall be good evidence of such being public Landings in all Courts of Law in this Province.

VI. And be it further enacted, That when and so soon as the said Commissioners or the major part of them shall have so laid out and defined the public Slips and Landings in the Town or Parish of Chatham, as directed in and by the provisions of this Act, and shall have caused the same to be recorded in manner aforesaid, such Slips and public Landings shall thereafter be considered and taken to be part of the Queen's Highway and be subject to all the rules and regulations that the other Highways or public Roads and Streets of the said Parish are subject to, and all persons obstructing the same shall be subject to the like pains and penalties therefor, that any person or persons is, are, or may be subject to by any Laws now or that shall hereafter be in force for preventing the obstruction of the Highways and public Roads of the said Parish or County, and be recovered and applied in like manner.