

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1850. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1850.

13 Victoria – Chapter 52

An Act to consolidate and amend the Laws relating to the Great Roads of Communication through this Province. Passed 26th April 1850.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to the Great Roads of Communication through this Province*; also an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to amend the Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads*; also an Act made and passed in the fifth year of the same Reign, intituled *An Act to establish the line of Road from Oak Bay, in the County of Charlotte, to the mouth of Eel River, in the County of York, as one of the Great Roads of Communication in this Province*; also an Act made and passed in the eighth year of the same Reign, intituled *An Act to establish the Road leading from the City of Saint John to Quaco, in the Parish of Saint Martins, in the County of Saint John, as one of the Great Roads*; also an Act made and passed in the same year of the same Reign, intituled *An Act to establish the Road leading from Bathurst, in the County of Gloucester, to the southern termination of the Great Bathurst Road, via Pokemouche, as one of the Great Roads of this Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to establish the line of Road leading from Charles Dixon's, near Hampton Ferry, intersecting the old Post Road from Bellisle [Belleisle] to Kingston, as one of the Great Roads of Communication in this Province*; also an Act made and passed in the ninth year of the same Reign, intituled *An Act to alter the Great Road from Fredericton to Saint Andrews*; also an Act made and passed in the tenth year of the same Reign, intituled *An Act to establish the Road leading from the lower Landing at the Grand Falls, (known as the new Portage Road,) in the County of Carleton, to the American Boundary, to include the Ferry Landing, as one of the Great Roads of Communication in this Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to establish the Road leading from Shediac to the Nova Scotia Line, via Shemogue, Bay de Verte, and Jolicure, as one of the Great Roads of this Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to establish the line of Road leading from Pickard's Store, in the Parish of Andover, in the County of Carleton, to the American Boundary, one of the Great Roads of Communication in the Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to alter part of the Great Road of Communication leading from Newcastle to Bathurst*; also an Act made and passed in the eleventh year of the same Reign, intituled *An Act to alter and amend an Act relating to the Great Roads of Communication through this Province*; also an Act made and passed in the twelfth year of the same Reign, intituled *An Act to establish the Road leading from Roix' Farm, on the Great Road between Saint George and Saint Andrews, to the Great Road between Fredericton and Saint Stephen, as one of the Great Roads of Communication*; be and the said several Acts are hereby repealed, except so far as any of the said Acts may repeal the whole or any part of any other Acts, and that all acts and proceedings which may have been done and had

under and by virtue of any of the said Acts, shall be and remain valid and effectual, notwithstanding such repeal.

II. And be it enacted, That the Roads as herein described, be and they are hereby continued, appointed, and established to be the Great Roads of communication through the Province, that is to say:

The Road leading from Fredericton to Saint John by way of the Nerepis by the following line or route, that is to say, From the Market House in Fredericton, by the present route, to the Bridge across the Oromocto River, thence by the Road at present travelled to Vaughan's Point, thence across the inlet at the head of South Bay to the point of intersection of the Great Road from Saint John to Saint Andrews, thence by the present route to Carleton Ferry.

The Road from Fredericton to Saint Andrews by the following line or route, From the Market House in Fredericton through the Hanwell Settlement, thence through the Harvey Settlement to the River Magaguadavic, near Vail's, thence to the River Digdeguash, thence through the Turner Ridge Settlement to Cormick's, thence to Gilman's, thence to Mallock's corner, thence to the junction of the Commons Road (so called), and thence by the present route to Saint Andrews.

The Road leading from Fredericton to Newcastle, and thence to Restigouche, by the following line or route, that is to say, Crossing the River Saint John at Fredericton by the upper Ferry, thence north easterly, or thereabouts, through the woods to Hanson's Mills, thence up the west side of the Nashwaak, crossing that River at the site of the present Bridge, thence across the Portage to Boiestown, thence on the south side of the South West Branch of the River Miramichi down to Doak's, thence crossing the said Branch of the River Miramichi to the north side, thence down on the last mentioned side to M'Laggan's Mills on Bartholomew's River, thence to Indian Town, thence following the Road as at present made and travelled to Beaubair's Point, thence crossing the North West Branch of the Miramichi to Newcastle, thence to meet the Road from Dixon's Ferry, thence to Russel's Meadows on the Little Bartibogue [Bartibog], thence north easterly to the Bridge over the Big Bartibogue River at Corrie's, thence along the Road as at present travelled to the Shire Town at Bathurst, and from thence crossing the Bathurst Bridge to Tattigouche [Tettegouche] Bridge, and from thence to Belledune Bridge, thence to River Charlo, at or near the head of the tide, thence to cross at the mouth of Eel River, thence on the present laid out line to Dalhousie, and thence on to Campbelton [Campbellton], thence following the south side of the Restigouche River by the present line to Mrs. Riddle's, opposite the mouth of the Metapediac River.

The Road leading from Fredericton to the Canada Line by the following line or route, that is to say, From the County Court House in Fredericton, on the west side of the River Saint John, to Woodstock, thence to the Great Falls, and thence to the Canada Line, through the Madawaska Settlement.

The Road from Fredericton to Richibucto by the following line or route, that is to say, Commencing at Barker's landing opposite Fredericton at the mouth of the Nashwaak Stream in the Parish of

Saint Mary's in the County of York, thence running by the Line of the Petitcodiac Road to Newcastle in Queen's County, thence by the line of the Hardwood Ridge Road to the Gaspereaux River, crossing said River above the lower Mills, and following the Beckwith Line to McDonald's on the Richibucto River, and thence following the Harley Line to the Town of Richibucto.

The Road from the Finger Board by the following line or route, that is to say, From the County Court House in Fredericton across the River Saint John to the lower side of the Nashwaak, thence to the Parish of Maugerville, thence following the present Road through that Parish and the Parishes of Sheffield and Canning to the Jemseg, thence across the Jemseg, and following the new line of Road lately explored by William Foshay and John Earle, crossing the Washademoak Lake at White's Point to the old Road, thence by the present route to the Finger Board on the Great Road from Saint John to the Nova Scotia Line.

The Road from Saint John to Saint Andrews by the following line or route, that is to say, From Carleton to Musquash, thence to Magaguadavic, thence to Digdeguash, thence to Chamcook, and thence to Saint Andrews.

The Great Road from the City of Saint John to the Nova Scotia Line by the following line or route, that is to say, From the City of Saint John to the Bridge over Hammond River, thence by the present route to Hampton, thence to Sussex, and through that Parish to Alexander M'Leod's, thence by the new Road round the Portage Hill to where it joins the old Road near Leake's farm, thence to the new Bridge over the Petitcodiac River, thence along the said River to the Bend, thence through the Portage between Petitcodiac and Memramcook Rivers, thence across Memramcook River by the Bridge to the Court House in Dorchester, thence through the Portage to Sackville, thence by the Road leading over the Great Marsh by the Truss Bridge and AuLac Aboideau [Aboiteau] to the Missiquash, the boundary line of the Province, to join the Post Road of Nova Scotia.

The Road leading from the Forks of the Road on the Great Marsh near Saint John to Frog Pond, thence to Loch Lomond, thence to the head of said Lake, and thence to Vaughan's Creek in Quaco. The Road from Saint John to the Head of Bellisle by the following line or route, that is to say, From Saint John by the present Road towards Nova Scotia to the forks of the Road at the Nine Mile House, thence by the present Road to Gondolo [Gondola] Point, thence crossing the River Kennebecasis [Kennebecasis] and following the Road to the eastward of Bates' Mill Pond, and through the Middle Land Settlement and the new Road by the Beaver Dam and the shore of the Bellisle Bay to the Bridge at the head of Bellisle [Belleisle], meeting there the Great Road leading from Fredericton to the Finger Board.

The Road from near Hampton to the intersection of the old Post Road to Kingston by the following line or route, Commencing at Charles Dixon's near Hampton in the Parish of Norton, thence by the route explored and laid out by the Commissioners John M. Raymond and Henry Jackson, to the intersection of the old Post Road to Kingston, near the farm of John Henderson, Esquire, at or about four miles distance from said Ferry.

The Road from Dorchester to Chatham by the following line or route, Commencing at the angle of the line of the Great Road from Saint John to the Nova Scotia Line on the east end of the Memramcook River Bridge, thence by the present line of Road to the new Bridge across the Richibucto River, thence to the Bridge across M'Almon's Creek, thence to the Bridge across Davidson's Creek, thence through the Town of Richibucto, thence by the Chapel at D'Aigle's Creek to the Bridge across the North West River, thence to Napan, and from thence by the Road as at present travelled to the Town of Chatham, thence crossing the Ferry to the Great Road leading to Bathurst.

The Road leading from the Bend of the Petitcodiac River to Shediac by the following line or route, that is to say, From the Bend of Petitcodiac River by the present Road to Shediac.

The Road from Harvey to Salisbury by the following line or route, that is to say, Commencing at Isaac Derry's and extending thence by the present Road to John Calhoun's, thence to McLatchey's Creek in Hillsborough, thence by the Road as now travelled through Coverdale, and thence to the Great Road from Saint John to the Nova Scotia Line.

The Line of Road leading from Isaac Derry's in the Parish of Harvey in the County of Albert to the Post Office, thence to Point Wolf River.

The Road leading from the Post Road at Cole's Island to Cape Tormentine by the following line or route, Commencing at the Great Post Road at Cole's Island, thence passing through Cole's Island along the present Road to the old Post Road, thence along the same to Hewson's, thence through Jolicure to Bay de Verte, and thence by the Road through the Emigrant Settlement to Cape Tormentine.

The Road from Bathurst to Miramichi, via Pokemouche, by the following line or route, that is to say, Commencing at the Big Nepisiquit River, Bathurst, and thence through the Settlement in the Parish of New Bandon, thence through Grand Aunce to Waterloo Corner, thence across the Northwest Branch of Caraquet River by End's Bridge, (so called) thence across the Southwest Branch of Caraquet River, thence through the Settlement of Caraquet, thence by the lower or Blackhall Portage to Pokemouche, thence to Tracadu [Tracadie], thence to Tabusintac River, and from thence by the present line to Dixon's Ferry.

The Road leading from Gagetown to the Nerepis Road by the following line or route, that is to say, From the Court House in Gagetown along the present highway leading towards Dingee's Mill, until it meets the Road leading from Gagetown to the Nerepis Great Road, thence through the Summer Hill and Coote Hill Settlements, until it meets the aforesaid Nerepis Road.

The Great Road from Connick's, at Waweig, in the County of Charlotte, to the lower Bridge over the River Saint Croix, by the following line or route, that is to say, From the Bridge over the Waweig round the head of Oak Point Bay, and thence through the Town of Saint Stephen to the lower Bridge over the River Saint Croix.

The Road from Oak Bay, in the County of Charlotte, to Eel River, in the County of Carleton, by the following line or route, that is to say, Commencing at the head of Oak Bay, in the Parish of Saint David, in the County of Charlotte, thence running through the Tower Hill Settlement to the Bridge over the western Branch of the River Digdeguash, thence by the present line to the Bridge over the Little Digdeguash, thence by the said line to the Howard Settlement, in the Parish of Dumfries, in the County of York, and thence by the line marked out under the direction of Messieurs Rainsford and Brown, until it strikes the Great Road from Fredericton to Woodstock near the Bridge at the mouth of Eel River.

The Road from Roix's Farm, on the Great Road from Saint John to Saint Andrews, to the Glenelg Bridge on Didgeguash River, thence crossing the Great Road from Fredericton to Saint Andrews until it intersects the Great Road from Waweig to Saint Stephen.

The Line of Road leading from the Dead Water Brook Bridge, on the Great Road from Fredericton to Saint Andrews, and thence to Saint Stephen by the way of Smith's and Moore's Mill and Upton's farm to the Public Landing.

The Road leading from Woodstock to Houlton by the following line or route, that is to say, From the Great Road leading to the Canada Line at Woodstock Corner, thence through the Richmond Settlement to the American Line.

The Road commencing at the Lower Landing at the Grand Falls on the west side of the River Saint John, in the Parish of Andover, in the County of Carleton, leading to the American Boundary, including the Ferry Landing at Street's.

The Road commencing at Pickard's Store near the mouth of Tobique, known by name as the Arestook [Aroostook] Road, in the Parish of Andover, in the County of Carleton, leading through a back Settlement to the Boundary Line between this Province and the State of Maine.

III. And be it enacted, That all the before mentioned Great Roads and all other Great Roads hereafter established shall be at least four rods wide, and shall be worked of such width as the Supervisors in their respective Districts shall deem necessary.

IV. And be it enacted, That the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, is hereby authorized and empowered to appoint fit and proper persons to be Supervisors of Great Roads or of parts or portions thereof, not exceeding in the whole one hundred and fifty miles to any one Supervisor, as the said Lieutenant Governor or Administrator of the Government, by and with the advice aforesaid, may deem proper.

V. And be it enacted, That the several and respective Supervisors of Great Roads shall be appointed for and during the space of one year from the first of April in each and every year, and such appointments shall be made annually in the month of March; and in case of death or removal from the Province, or refusal of any Supervisor to act, or for other sufficient cause shown

to the Lieutenant Governor or Administrator of the Government for the time being, for the removal of any Supervisor or Supervisors, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to nominate and appoint for the remainder of the year some other fit and proper person to be Supervisor in the room of such person so deceased or removed from the Province, or who shall refuse to act or be removed for other sufficient cause.

VI. And be it enacted, That when it shall be made to appear to the Lieutenant Governor or Administrator of the Government for the time being, that any Supervisor has neglected to render to the Secretary of the Province, Accounts duly vouched and attested of the expenditures of all the moneys received by him from the Treasury of the Province in the year preceding the commencement of the annual Session of the Legislature, at an early period of such annual Session, or who shall have drawn moneys from the Treasury contrary to the rules made by the Lieutenant Governor or Administrator of the Government for the time being, in Council, for the government of Supervisors, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, and he is hereby authorized and empowered to displace such Supervisor and to appoint another fit person to be Supervisor in his stead.

VII. And be it enacted, That every Supervisor appointed under and by virtue of this Act, shall give security by bond to Her Majesty, Her Heirs and Successors, with two good and sufficient sureties, to be approved of by His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, in double the amount such Supervisor may have to expend, conditioned for the faithful performance of the duties required of him and for the accounting for all public moneys entrusted to him.

VIII. And be it enacted, That the respective Supervisors appointed under and by virtue of this Act, except in cases hereinafter mentioned, 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 possible state of repair; and for the purpose of making any alteration they may deem necessary, such Supervisors respectively shall have power and authority and they are hereby authorized to enter upon the lands of any proprietor or proprietors through which it may be thought desirable to make any alteration, in order to make the necessary exploration and survey preparatory to such alteration, doing no unnecessary damage thereto; provided always, that nothing in this Act contained shall extend or be construed to extend to deprive the several Commissioners of Highways in their respective Parishes of the power of directing the application of the Statute Labour of the inhabitants of the said Parishes, either upon the Great Roads or other Roads within the same as to the said Commissioners may appear most conducive to the public good; provided always, that the said Commissioners shall in no case have the power of altering any Great Road, but are hereby respectively required in all cases where they deem it necessary to expend the Statute Labour or any part thereof on any of the Great Roads of this Province, to adhere to the lines already laid out and established by law, or that may be laid out in pursuance of any law now in force or that may hereafter be in force for that purpose.

IX. And be it enacted, That each and every Supervisor so to be appointed shall in the Spring of the year when the ground is free from snow and ice, carefully examine the whole of the Road under his superintendence, and shall lay off and mark out such allotments as may conveniently be contracted for, in order that the making or repairing of the same may be let by auction to the lowest bidder; and in all such cases such Supervisors respectively are hereby required to put up a sufficient number of notices, not less than ten days previous to such sale, in three or more of the most public places in the neighbourhood where the work is to be done; which notices shall specify and describe the work so to be performed, and also the place, day, and hour, when and where the same will be let at auction as aforesaid; and it shall further be the duty of such Supervisors respectively to attend personally at the time and place so appointed and there to let out to the lowest bidder the several and respective allotments, and at the same time to enter into written contracts with sufficient sureties for the faithful performance of the work in time and manner set forth in such contracts; and in cases where the work required to be performed cannot conveniently be let by auction, it shall be the duty of such Supervisors to agree with fit and proper persons to perform the same by days labour, provided that the sum expended by days work shall in no case exceed twenty per cent of the amount to be expended on the said Road.

X. And be it enacted, That the Supervisors shall cause all turnpiking, ploughing, and throwing up of the said Roads to be performed previous to the first day of October in each and every year, and shall not permit any contractor or day labourer to perform such work on the Roads under his charge after that date.

XI. And be it enacted, That all the contracts and also all the wages of labourers hired by the day as aforesaid, shall be paid by the said Supervisors in money; and the said Supervisors shall respectively keep an exact account of the expenditures of all sums of money received and paid by them respectively for the Great Roads, 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 payment, and shall render an account thereof under oath, (which oath any Justice of the Peace in the several and respective Counties is hereby authorized to administer) to be transmitted to the Secretary of the Province for the inspection and examination of the General Assembly.

XII. And be it enacted, That all fences, timber, wood, stones, boards, plank, and rubbish of any kind which shall be found to remain upon any part of the said Great Roads 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 at law whatsoever, 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.

XIII. And be it enacted, That in case it shall be necessary or expedient for the Supervisors in their respective districts to go out of the said Roads to procure materials for the repairs of the same, 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 teams upon any uncultivated lands, and therefrom to dig, take and carry away for the repairs of the said Road, stone or gravel, and also to cut down and carry away trees and bushes for logs, poles and brushwork to repair the said Roads, and the damage done thereby shall be appraised and ascertained by the judgment of three indifferent freeholders to be nominated by a Justice of the Peace for that purpose, and the sum so ascertained shall be paid or tendered by the Supervisors respectively, to the owner or possessor of the soil, if demanded, within six months after such appraisalment.

XIV. And be it enacted, That the said Supervisors for the respective districts shall not make any alteration in any part of the Great Roads within their respective districts, through any improved lands, without the consent of the owner or owners thereof, or agreeing with or paying to him, her or them the value of the said improved lands so to be laid out in such public Road, with such damages as he, she 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 two Justices of the Peace on the oath of such freeholders, which oath any one of the said Justices is hereby authorized and required to administer, and the amount of such value and damages, with the incidental expenses, shall be defrayed by the Supervisors of the respective districts out of the moneys to be granted for the use of the said Great Roads.

XV. And be it enacted, That the proprietor or proprietors in the possession either by themselves or by tenants holding under them, of any lands through which it may be necessary to lay out a Public Road, shall be deemed to be the owner or owners of such lands, to whom the value thereof and the damages sustained are to be paid under the provisions of the previous section of this Act, notwithstanding that such lands may be under mortgage or other incumbrance; and that the freeholders appointed to sit and appraise such value and damages shall also inquire and return in their verdict who are such owner or owners to whom such value and damages are to be paid; and upon payment of such value and damages to the person or persons whom the said freeholders shall so return in their verdict to be the owner or owners of such lands, or upon tender and refusal thereof, such Supervisor shall be fully authorized to lay out such Public Road through such lands; and in case any such alteration lies on the border of two adjacent Counties so as to extend into both, or to render it doubtful as to which of the two Counties the said alteration may be situate in, the Justices and the said freeholders may belong to either County, and the proceedings had by them shall be as valid and effectual as any proceedings under the provisions of this Act; and if any person or persons who may by any of the provisions of this Act be found entitled to receive any sum or sums of money, and on due tender thereof shall not accept of and receive the same, and shall not apply for the same within six calendar months after such tender, then the Supervisor or Supervisors shall pay the same into the Province Treasury, to be disposed of under the direction of the Legislature; and that the Treasurer or Deputy Treasurer to whom such payment shall be made shall be accountable for the same, and shall give such Supervisor a receipt for the sum so paid, which shall be a sufficient discharge to such Supervisor or Supervisors for the same.

XVI. And be it enacted, That if any person or persons do or shall hereafter alter, stop up or encroach upon any of the Great Roads of Communication through this Province in any manner whatever, such person or persons so offending contrary to the meaning of this Act, shall for every

such offence forfeit the sum of two pounds, to be recovered with costs of suit before any one of Her Majesty's Justices of the Peace for the County where such offence shall be committed, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, (if any) to such offender; and for the want of sufficient goods and chattels, the said Justice is hereby required to commit such offender to the common gaol of the County where such offence shall be committed, there to remain for a term not exceeding eight days; which penalty, when recovered, shall be paid to the Supervisor for the use of the Great Road within the district.

XVII. And be it 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 for 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 offender's goods and chattels, to be paid to the Supervisor of the district where such offence shall be committed, for the use of the Public Roads within such district.

XVIII. And be it enacted, That in case any action of trespass or action upon the case shall be brought against any or either of the said Supervisors, by occasion of any thing done by him or them in the execution of his or their 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 special matter had been fully and specially pleaded.

XIX. And be it enacted, That no action shall be brought or commenced against any Supervisor for any act, matter or thing whatever by any such Supervisor done, performed or committed in or about the execution of his duty, until after one month's notice of such action to be brought shall have been given to such Supervisor, and every action against any Supervisor shall be confined to the subject matter stated in such notice; and it shall and may be lawful for any such Supervisor to whom notice of action shall so be given, at any time before action brought, to make and tender amends to the party aggrieved, and if such amends shall not be accepted, then such Supervisor may pay such money into Court, and if the plaintiff shall not recover greater damages than the amount so tendered and paid in, the said defendant shall recover his costs of suit.

XX. And be it enacted, That the Supervisors of the respective districts for which they may be appointed, shall enter in writing the alterations that may from time to time be made in any of the Great Roads under their superintendence, and make a return thereof into the Office of the Secretary of the Province, and also a duplicate into the Office of Clerk of the Peace for the County in which such public Road lies, to be by such Clerk entered in a book kept by him for that purpose, and whatsoever the said Supervisors shall respectively do according to the power to them given by this Act, shall be valid and good.

XXI. And be it enacted, That each of the said Supervisors shall be allowed to retain for his services at and after the rate of ten per centum out of the moneys granted for the use of the Roads.

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XXII. And be it enacted, That this Act may be altered and amended at any time during the present Session of the Legislature.