

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1859. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1859.

22 Victoria – Chapter 12

An Act to amend an Act intituled *An Act relating to Highways*. Passed 13th April 1859.

Section.

1. Recovery of penalties under 18 V. c. 18.
2. Proceedings and costs.

Section.

3. Repeal of certain Sections of 18 V. c. 18.
4. Alteration and shutting up of Roads.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That from and after the passing of this Act, the penalties to be imposed under the sixteenth Section of an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, and the costs of conviction, may be recovered before any Justice of the Peace of the County where the offence may be committed, and levied by Warrant of distress and sale of the offender's goods and chattels, or by Warrant of commitment against the person of such offender on failure of finding sufficient distress, or by Warrant of commitment in the first instance, at the discretion of the Justice imposing such penalty; and in case of commitment, the said Justice shall define the number of days in the Warrant, in no case to exceed twenty days for any one offence; and such penalty, when recovered, shall be applied to the repairing of the Highways in the District in which the offender resides.
2. The mode of proceeding and costs shall be regulated by any Act now or hereafter in force relating to summary convictions before Justices of the Peace.
3. The fourth, fifth, seventh, eighth, and ninth Sections of an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, are hereby repealed.
4. Sections three, four, five, six, and eight, of an Act passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act to alter and amend an Act intituled 'An Act relating to Highways,'* shall apply to any case of an extension or alteration of any public Highway: If in any alteration a new Road be opened, and the old Road, or any part of it, be shut up and revert to the owner of the land on which said new Road may pass, the Jury shall take into consideration the value of such old Road, or any part thereof so shut up, in diminution of damages: Where Roads are laid out, altered, or extended, under any Law relating to Highways, and the damages, if any, paid as provided, the Commissioners or Surveyors may enter upon and open such Roads, and remove therefrom any obstructions.