

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1862.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1862.

25 Victoria – Chapter 16

**An Act in amendment and consolidation of the Laws relating to Highways. Passed 23rd April 1862.**

Section.

1. Acts 18 V. c. 18, 21 V. c. 30, 22 V. c. 14, and 23 V. c. 45, repealed.
2. Division of Parishes into Districts; Commissioners and Surveyors assigned to each.
3. Commissioners to lay out Highways; alteration and extension, how made.
4. Unless owner consent, damages to be paid before road opened.
5. Consent to be filed with return.
6. Alteration of roads. Jury to value old road in diminution of damages.
7. Private roads, how laid out.
8. Public roads, width of.
9. Roads on which public money expended,—public highways.
10. When Commissioner may direct old roads to be stopped up after alteration.
11. Roads to be marked out with stakes, and return made to and recorded by Clerk of the Peace; penalty for neglect.
12. Penalty for obstructing, &c. any public road; application of same, and mode of recovery.
13. Fees to Justices, Jurors, &c., how paid; assessment, how disposed of.
14. General Sessions to issue Warrant of Assessment; mode of assessment and payment.
15. Scale of statute labour, how performed and by whom, and who exempted.

Section.

26. Inhabitants to be summoned after snow storm to cut bushes and mark ways; penalty for refusing.
27. Way to be marked with green bushes four rods apart; teams to be furnished; penalty for refusing.
28. Destroying bushes, penalty and application.
29. Persons liable to statute labour to be summoned to break roads with teams in addition to statute labour; penalty for not attending.
30. Statute labour may be applied to secure River bank in certain parts of Sunbury and Queen's.
31. To be performed when most practicable, and returns made.
32. Powers of Commissioners under this Act to extend to Great Roads, but not to alterations.
33. Commissioners to make returns with vouchers, and pay balances; not accounting, proceedings to be taken by County Treasurer.
34. Bells to be attached to horse sleds and sleighs.
35. Commissioners to file annually list of inhabitants liable to statute labour, to be read at Parish meeting.
36. Commissioners & Surveyors exempt from statute labour.
37. Commissioners' returns shall be under oath.

16. Estates of females and minors, how assessed and paid.
17. Assessment upon females and minors not paid, how recovered.
18. Assessment list to be published. Sub-districts number of Surveyors.
19. Money may be paid in lieu of labour, and expended on Roads and Bridges.
20. Mode of summoning inhabitants to perform statute labour. Carts, ploughs, horses, &c. to be furnished.
21. Surveyor shall make return on oath of persons liable to work, and of delinquents.
22. Names of persons liable to perform statute labour, when required, shall be given by the parties with whom they reside or are employed; penalty for neglect, and recovery.
23. Proceedings against delinquents, and application of proceeds.
24. Waggons and teams to be furnished when required; penalty.
25. Obstructions, removal of, by inhabitants, and repairing Roads and Bridges during interval: penalty for non-attendance, and recovery.
26. Commissioners to enforce the performance of all duties required by this Act, and recover fines and penalties.
27. Form of Return to Clerk of Peace.
28. Any person over-rated may appeal to General Sessions.
29. Conditions of appeal.
30. Penalty for neglect of duty of Commissioners and Surveyor.
31. Proceedings on Commissioner's neglect to render his account.
32. General Sessions to pay fees of Constables and other officers.
33. Prosecutions against delinquents shall be on complaint and in name of Commissioners.
34. Party may be held to bail.
35. Prosecutions for forfeitures to be commenced within six months.
36. Not to interfere with Local Laws now in force.
37. In incorporated Counties, Council may make Bye Laws to effect the object of this Act.
38. Forms of proceedings under this Act.

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

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*; also an Act made and passed in the twenty first year of the same Reign, intituled *An Act to alter and amend an Act intituled 'An Act relating to Highways'*; also an Act made and passed in the twenty second year of the same Reign, intituled *An Act to amend an Act intituled 'An Act relating to Highways'*; and also an Act made and passed in the twenty third year of the same Reign, intituled *An Act further to amend the Law relating to Highways*, be and the same are hereby severally repealed.
2. The Justices in their General Sessions are authorized, if they shall see fit, to divide each Parish into three Districts, and to assign one of the Commissioners and a sufficient number of Surveyors to each district; the Commissioner and Surveyors to enforce and superintend the performance of the statute labour for such district only, and to make due return thereof.

3. When application shall be made to the Commissioners in writing, by three or more freeholders, to lay out, alter or extend any public highway over any lands, and if the owner or owners of such lands shall not consent thereto, such Commissioners shall apply to a Justice of the Peace for a Warrant, who is hereby required to grant the same, directed to the Sheriff, Deputy Sheriff, or any Constable within the County, commanding the same to summon five disinterested freeholders of the County, not resident in the Parish where the proposed road is situate, at a certain time to be named in such warrant, to examine the proposed road, alteration, or extension, so applied for, the said Commissioners, or any two of them, to be present at the same time; and if the said Jury, who are to be sworn by any Justice of the Peace, find that such road, alteration or extension is necessary, the said Commissioners, or any two of them, if they approve of such finding, shall lay out the same immediately, after which the Jury shall be duly sworn to assess the damages, and shall forthwith proceed to assess the same; and the said Jury, in their assessment of damages, shall take into consideration the benefit, if any, to the owner of such lands by the laying out such roads.

4. No such road shall be open for public use until the damages assessed be paid to the owner or owners of the land, unless the said owner or owners thereof shall consent in writing to the opening of the same.

5. When any two of the Commissioners shall deem it necessary to lay out any highway over any lands, and the owner or owners consent in writing that such highway may be laid out and opened, the Commissioners may proceed to lay out and open the same, and such consent in writing shall be filed by the said Commissioners with the return of such highway.

6. If in any such 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 the damages: Where roads are laid out, altered or extended under any Law relating to highways, and the damages, if any, paid as aforesaid, the Commissioners or Surveyors may enter on and open such roads, and remove therefrom any obstructions.

7. The Commissioners, upon application for a private road, shall view the same, and upon the written consent of the owner of the land, may lay out the road; if the owner object, a Jury shall be summoned as hereinbefore directed, at the instance of the Commissioners, or party or parties interested, which Jury shall determine as to the necessity of the road, and if deemed necessary, and the parties disagree as to damages, they shall proceed to assess the same; and when assessed, the amount shall be paid the owner or owners of the land through which the road passes, before such road be opened for use, unless such owner consent in writing to open the same; the expenses of laying out the road, as provided by the fifteenth Section of this Act, shall in the first place be paid by the applicant, and no such private road shall be laid out more than two rods wide, against the consent of the owner of the land through which it passes; provided that DO buildings shall be erected within two rods of the centre of the said road so laid out.

8. Public roads shall not be more than six nor less than four rods wide.

9. All roads not recorded, upon which public money has been expended, are hereby declared public roads or highways.
10. On any alteration being made in any road, pursuant to this Act, and the parts between the points of such alteration shall not be settled by the erection of dwelling houses, or when the same shall not cut off any proprietor from the road so altered, the Commissioners shall direct that the portions intended to be discontinued shall be stopped up and enclosed by the proprietor of the land between such points, after which the old road or such part thereof shall not be considered public, but the Commissioners shall not so direct until the new road be good and passable.
11. The Commissioners for each Parish shall carefully mark out all the roads laid out, altered or extended under their direction by the provisions of this Act, designating their width either by a line of stakes on each side, or by one line of stakes in the centre of the same, clearly marking out the place of beginning and the place of ending, and shall set forth in writing the width, marks, bounds and lines of all such roads as have been laid out, altered, extended, or shut up, and within three months thereafter make return thereof to the Clerk of the Peace, who shall enter the same in a book to be kept for that purpose: any Commissioner or Clerk of the Peace neglecting this duty required of him, shall for each neglect pay twelve dollars.
12. Whoever shall alter, encroach on, or obstruct any public road, or fill up or obstruct any ditch or water course in any highway, shall for each offence forfeit eight dollars; and if the offender do not remove such encroachment or obstruction within three days thereafter, he shall again forfeit the like sum of eight dollars; and so on in like manner until such obstruction be removed: should the offender not be known, the Commissioner or Surveyor, if the encumbrance be saleable, shall, unless sooner claimed, after three days public notice, sell the same, and apply the proceeds to repairing such road; if not saleable, they shall cause the same to be removed, and the person employed by them shall be allowed therefor, according to the time he is employed, a deduction of his statute labour; the penalties imposed by this Section, 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 roads in the district in which the offender resides: the mode of proceeding for the recovery of all penalties under this Act, except such as are referred to by the forty fifth Section of this Act, shall be regulated by any Act now or hereafter in force relating to Summary Convictions before Justices of the Peace.
13. Any Justice of the Peace for issuing a Summons, and presiding at an investigation by a Jury, shall receive two dollars; each Juror summoned and attending shall receive fifty cents; and the officer for summoning shall receive one dollar: the sum necessary to meet such expenses shall be paid by the parties applying for the road to the Commissioners previous to the issuing of the

warrant; the Commissioners shall pay the Justice, Officer, Jurors, and Witnesses, the before named fees; and in every case of investigation of a public road, if the Jury find such road necessary, all such expenses, with the amount of the assessment for damages as aforesaid, shall be laid by the said Commissioners before the next General Sessions for the County.

14. The General Sessions, when such assessment of damages shall be laid before them, shall, during such Session, make an order that the amount thereof, together with such expenses, shall be assessed upon the Parish in which such road is situate, and issue their Warrant therefor, to be assessed, levied and collected as County Rates, and paid by order of the Sessions to the parties entitled thereto.

15. All the public roads, streets and bridges in each County, shall be cleared, maintained and repaired by the male inhabitants thereof, being twenty one years of age and upwards, except Ministers of the Gospel, and licensed School Masters, employed as such, not having property liable to assessment, and emigrants from Great Britain and Ireland arriving within the year the assessment is made; who shall work either in person or by sufficient substitutes in such year, with such implements as the Surveyors shall direct, the number of days, eight hours actual labour to each day, as follows, namely, all persons of twenty one years of age and above, three days; and for any real or personal estate he may possess, not exceeding four hundred dollars, one day; exceeding four hundred and not exceeding twelve hundred, two days; exceeding twelve hundred and not exceeding two thousand dollars, three days; and so on in like manner for every eight hundred dollars, one day additional for any real or personal estate he may possess, not in the whole to exceed thirty days in any one year; and for every eight hundred dollars of real or personal estate over and above such sum, as will together with the three days poll rate make thirty days, the owner of such property shall be taxed at the rate of fifty cents for every eight hundred dollars, which shall be paid in money. Two Justices, on the application on oath of any infirm or indigent person or persons of the age of sixty years, may remit in whole or in part his statute labour for the year in which such application is made; provided that the real estate referred to in this Section shall be situate in the Parish in which the owner thereof resides; nothing however herein contained, to exempt the real or personal estate of such infirm or indigent persons from taxation.

16. All divided or undivided estates of females and minors shall be assessed in the same ratio as the estates of residents; any assessment on the property of females and minors may be paid for in labour by substitutes.

17. The assessment upon females and minors under the preceding Section, when not paid in labour or otherwise, shall be recovered in the manner following, that is to say:—The Commissioners of Highways for the Parish in which the estate is situate, shall give notice of such assessment in any Newspaper published in the County, and if there be none, then in the Royal Gazette, for three months; if the same be not then paid, with the expense of such notice, any two Justices of the Peace, on the application of such Commissioners, shall issue their Warrant in form A, and in ease of non-payment and on deficiency of personal property, so much of the real estate assessed as shall be necessary to pay the said assessment and the expenses of advertising and sale, shall be advertised and sold by the Sheriff of the County to the highest bidder, and he shall

execute a deed thereof to the purchaser, which deed, when duly executed, shall be deemed and taken to be prima facie evidence that the proceedings, previous to the execution of such deed, were rightly had and done; and such money, when collected, shall be paid to the said Commissioners, to be by them applied in repairing the public roads or streets in the Parish in which the lands lie.

18. The Commissioners of Roads in each Parish shall, by the first day of May in each year, make a list of the inhabitants of such Parish, and assess the number of days to be performed by them respectively, according to the best of their judgment, and shall advertise the same in the most public place of said Parish, and divide said Parish into as many sub-districts as they shall think necessary, and make a return to the Town Clerk of the number and description of such sub-districts,—and no greater number of Surveyors shall be elected or appointed in any Parish than there are sub-districts, being one for each sub-district,—and shall furnish the Surveyors in the respective sub-districts with a list of inhabitants liable to work in such sub-district, and the number of day's work to be done by each; and shall, within fifteen days, instruct the Surveyors where the labour shall be performed, and the Surveyors to direct the work; the Commissioners of Roads shall add to their lists the names of the persons that may come to reside in their respective Parishes after the said first day of May, except as before excepted, and assess the number of day's work to be performed by each, unless they produce certificates of the performance of or liability to do statute labour in some other Parish; in the cases where the Parish has previously been divided into three districts, under the provisions of the second Section of this Act, each Commissioner of Roads shall divide his district into as many sub-districts as he shall think necessary, and make a return to the Town Clerk of the number and description of such sub-districts, and no greater number of Surveyors shall be elected or appointed in any such district than there are sub-districts, and shall furnish the said Surveyors each with a list of the inhabitants liable to work in such sub-district, and the number of day's work to be done by each, and shall within fifteen days direct the Surveyors where the labour shall be performed, and to oversee and direct the performance thereof.

19. The Commissioners of any Parish or District may, previous to the commencement of the labour, receive from any person assessed to perform such labour, the sum of fifty cents for each day's labour required, in lieu of the labour; and the moneys so paid, as well as the forfeitures under this Act, shall be laid out by such Commissioner or Commissioners on the roads and bridges, between the first day of May and the first day of September in each year, first giving six days public notice by advertisement within the Parish or District, of the time and place intended to expend the same, and shall let out the work by public auction to the lowest bidder.

20. The Surveyor when directed by the Commissioner shall, at the most suitable time between the first day of May and the first day of August in each year, summon the inhabitants, giving at least six day's notice to each person liable to work, either by personal service or by leaving the notice at his place of residence, or by publishing the same in writing in three of the most public places in the district, which shall contain the names, the number of days' work to be done by each respectively, and the implements to be used by each; the labour shall be expended in making or improving the roads and bridges in the best manner, subject to the orders of the Commissioner, and the Surveyor may call on any person in his district having any waggon, cart, truck, plough or

harrow, oxen or horses, to furnish the same, with a competent driver, and shall allow one day's work of two oxen or two horses, with cart, plough or harrow, and driver, to be equal to three days of one man.

21. Every Surveyor shall, on oath, before the first day of September in each year, deliver to the Commissioner a return of the names of the persons in his district liable to perform statute labour, the number of days' work performed by each, and the delinquency.

22. Every person when required by any Commissioner of Roads shall, within twenty four hours, give him a statement in writing of all persons residing in his house, or in his employ, liable to perform statute labour; and any person neglecting to give such statement, or giving a false one, shall pay a sum not exceeding forty dollars, to be recovered in the name of one of the Commissioners of the Parish or District; when recovered to be paid to the Commissioners, and applied to making and repairing the roads.

23. Every Surveyor, within six days after the neglect of any person duly notified to appear and labour, or pay the commutation money, or appearing and refusing to work to the satisfaction of such Surveyor, and being dismissed therefor, shall report the same to the Commissioner, who shall forthwith make complaint to a Justice of the Peace against such delinquent, who, on judgment obtained, shall for each day's neglect adjudge him to pay eighty cents, with costs of suit; the penalty, when received, to be applied by said Commissioner in repairing the roads in the Surveyor's district where the offence is committed; the delinquent shall not suffer more than six days' imprisonment in any case, and the proceedings shall be before the Justice as in Civil Suits.

24. If any person keeping any waggon, cart, truck, plough, harrow, two oxen, or two horses, when duly required to furnish the same, with a competent driver, shall neglect to do so, the Surveyor shall forthwith make complaint to the Commissioner, who shall immediately proceed against him in the manner directed by the last preceding Section; the offender shall be adjudged to pay two dollars and forty cents for every day's neglect, to be applied as provided by the twenty third Section of this Act, or be liable to be imprisoned not exceeding six days.

25. During the interval between the performing of statute labour the Commissioners may, as occasion requires, direct the Surveyors to summon so many of the inhabitants as may be necessary to remove all trees or windfalls out of the roads, and to repair all bridges and such parts of roads as may require it, and to furnish the materials therefor, and call upon persons keeping any vehicle or team to attend with the same, the work then performed to be deducted from the number of days each person may be obliged to work on the roads; any person not attending or refusing to work, shall forfeit one dollar and sixty cents for each day's neglect or refusal, and three dollars and twenty five cents for neglecting to furnish the vehicle or team as aforesaid, to be recovered and applied as directed by the twenty third Section of this Act.

26. The Commissioners, after the first snow, and when the rivers and marshes are safe for the passing of cattle on the ice, shall direct the Surveyors to summon forthwith as many inhabitants as they shall think necessary, to perform such work ns the Surveyors shall direct, in cutting, carrying

and erecting bushes, and making ways; any person not attending or refusing to work as directed, shall forfeit one dollar and sixty cents for each day's neglect, to be recovered and applied as aforesaid; the rivers and the several parts thereof when frozen, shall be considered as part of the Town or Parish to which they are respectively opposite, and the Commissioners for the Towns or Parishes opposite to each other shall determine the distance upon the river which is to be worked upon by the inhabitants of the respective Parishes.

27. The said ways shall be marked as directed by the Commissioners, with green bushes five feet high, erected lengthwise alongside of the path, not more than four rods from each other, and shall be replaced in the same manner when necessary: When the road is on the bank the path shall be marked on the river; and every person keeping a team, on being summoned by the Surveyor, shall forthwith send such team with a competent driver to work as directed, and neglecting to do so shall forfeit three dollars and twenty cents, to be recovered and applied for the purpose of this Section.

28. Any person who shall wilfully cut and take down or destroy any bushes so erected, shall pay four dollars, one half to be applied for the use of the roads in the Parish where the offence is committed, the other to the informer; the offender shall not be imprisoned for want of goods whereon to levy, more than six days.

29. The Surveyors in their districts during the winter season when necessary, shall summon so many of the inhabitants liable to do statute labour as they may think fit, to attend with shovels, and under the directions of such Surveyors to haul or shovel snow, and assist to break the roads; and so many of the inhabitants having horses or teams as they think necessary, to attend on the roads, and break the same in the snow with such horses or teams, not exceeding four days in each winter, nor more than three miles from their own dwelling, such work not to be deducted from their statute labour for the current year; any person not attending either in person or by a good and sufficient substitute, or refusing to work, shall pay one dollar for each day's neglect, and two dollars per day for not attending or refusing to work with his horse and team as aforesaid, to be recovered as prescribed in the twenty third Section of this Act, and applied by the Commissioners to breaking or repairing the roads; the Surveyors, in performing the duty imposed by this Section, shall be subject to the orders of the Commissioners.

30. The Commissioners of the roads in the Parishes of Maugerville, Sheffield, and Lincoln, in the County of Sunbury, and of Canning, Cambridge, and Gagetown, in Queen's County, may apply such parts of the statute labour of the inhabitants, as proprietors of land in said Parishes respectively, as they deem necessary, to secure and defend the road on the banks of the River Saint John therein, and to procure materials necessary for that purpose.

31. That part of the statute labour in Sunbury and Queen's so employed where the public road runs, may be performed at the times in each year when most practicable, under the direction of the Commissioners; the Surveyors and Commissioners shall make return thereof in time to be submitted to the June Sessions of the Counties respectively.



32. The powers of the Commissioners and Surveyors of Roads appointed under this Act shall, in their respective Parishes, Districts, and Sub-districts, extend to the parts of the great roads of communication passing through the same; and the necessary repairs, the clearing out of obstructions, and the breaking down and shoveling of the snow, shall be done under their authority, subject to the same conditions, liabilities, penalties and forfeitures that are in this Act hereinbefore particularly set forth; provided that no such Commissioners or Surveyors shall have power to alter any great road.

33. The Commissioners of Roads, on or before the fifteenth day of December in each year, shall deliver to the Clerks of the Peace of their respective Counties, returns with vouchers, to be by the said Clerks filed in their offices, which returns shall be according to the form hereinafter set forth: If any balance remain in the hands of any Commissioner, he shall pay the same to the County Treasurer, to be disposed of by the Sessions for the benefit of the roads and bridges in the Parish where such money was collected; and further provided, that whenever any Commissioner, or other County or Parish officer, shall not account for or pay over any moneys which have come into his hands as such officer, and which by law he is required to account for or pay over, all such proceedings may be taken against such officer, or his estate in case of death, by order of any General or Special Sessions, and by and in the name of the County Treasurer of the County of \_\_\_\_\_ (as the case may be,) as are now used in any Court of Law or Equity in this Province, in case of any creditor against any debtor.

34. Every horse-sled or sleigh drawn on any road, shall have fastened to it or the harness thereof, two or more bells, so as to be distinctly heard, under the penalty of one dollar for each offence, to be recovered from the owner or driver by any person who shall sue for the same, as provided by the twenty third Section of this Act.

35. The Commissioners of Roads for the respective Parishes shall annually file a copy of the list of the inhabitants liable to the performance of statute labour, in the office of the Clerk of the Peace, within ten days after the publication thereof; and shall also lay before the Parish Meeting annually appointed for the election of Parish Officers, a copy of the return previously made to the Clerk of the Peace, as directed by the thirty third Section of this Act; the said return to be publicly read in such meeting for the information of the inhabitants of such Parish.

36. All Commissioners and Surveyors of Roads shall be exempted from the performance of statute labour.

37. The annual returns required to be made by the Commissioners of Roads shall be made by them respectively, under oath, as hereinafter mentioned.

38. It shall be the duty of all the Commissioners of Roads, whether for undivided Parishes or separate Districts, to enforce in their several Parishes and Districts respectively, the performance of all the duties and services by this Act required, and to prosecute for and recover all the fines and penalties thereby imposed.

39. The return to be delivered to the Clerk of the Peace aforesaid, as required by the thirty third Section of this Act, shall be in the following form:—

The undersigned Commissioners (or Commissioner, as the case may be,) of Roads for the Parish of \_\_\_\_\_, (or District of the Parish of \_\_\_\_\_,) certify (or certifies) that all persons assessed to work in the said Parish (or District) have either worked, paid the commutation or fine, or been prosecuted as the Law directs, except the persons excused.

[Here insert an account of the receipts and expenditures, shewing the balance of money, if any, on hand, thus]—

Statement of moneys expended,  
Statement of moneys received,  
List of persons from whom fines not received,  
List of persons excused and the cause of excuse,



Specify  
the items.

A.B.  
C.D.  
E.F.



Commissioners  
of Roads.

or A. B., Commissioner of Roads.

Sworn to before me, G. H., Justice of the Peace.

40. Any person thinking himself overrated or assessed too high by the Commissioners of Roads, may, after notice in writing to Commissioners, appeal to the next General Sessions for the County; if the appeal be sustained, the Sessions may relieve him by deducting the surplus from the amount of statute labour to be performed by him the next year.

41. No appeal shall be allowed unless the appellant, within one month after notice of assessment or summons to work, leave a memorandum with the Clerk of the Peace, or with a Commissioner of Roads to be transmitted to him, which memorandum shall be accompanied with an affidavit to the following effect :—I, A. B., of \_\_\_\_\_, do make oath that the whole of the property, real and personal, held by me, or by any person in trust for me, does not exceed \_\_\_\_\_, and that my whole yearly income does not exceed \_\_\_\_\_.

A.B.

Sworn before me, C. D., J. Peace.

42. Every Commissioner and Surveyor of Roads, for any neglect of duties imposed upon him by this Act, shall be liable for every offence to a penalty of not less than eight dollars nor more than twenty dollars, to be recovered on the complaint of any freeholder; one half to be paid to the

person suing for and recovering the same, and the other half to be applied for the improvement of the roads in the district where the offence was committed.

43. If any Commissioner of Roads shall neglect or refuse to render his account for all moneys received by him and work done under his direction, or shall retain in his hands any moneys contrary to the provisions of this Act, or not properly expend the same, any General Sessions may order him to be brought before them, and the officer receiving such order shall execute the same according to the exigency thereof: The Sessions, on such Commissioner being brought before them, may, if they see fit, commit him to gaol until he make due satisfaction, unless on cause shewn they deem it proper to discharge him.

44. The General Sessions of the Peace in the several Counties shall pay to Constables and other officers, their reasonable fees for services performed under this Act, not otherwise provided for.

45. Prosecutions and proceedings against delinquents for any neglect to pay the commutation money, or to perform work as required by the twenty third, twenty fourth, twenty fifth, twenty sixth, twenty seventh, and twenty ninth Sections of this Act, shall be on complaint of the Commissioners, and in their name of office, and the proceedings shall be regulated as nearly as may be by the law in force relating to Actions before Justices of the Peace in Civil Suits; and no such proceedings shall cease by reason of any change of Commissioners, but may be continued by succeeding Commissioners.

46. In all actions for the recovery of fines or penalties, or other moneys under this Act, the party may be held to bail on the oath of any Commissioner of Roads.

47. Every prosecution for any of the forfeitures mentioned in this Act, shall be commenced within six months after the offence.

48. Nothing contained in this Act shall interfere with any special or local laws now in force, relating to the applications of the statute labour in any City, Town, or Parish: In any Parish in which any local law may be in force regarding highways, this Act to be in full force when it does not interfere with the provisions of said local Act.

49. In incorporated Counties, the County Council may in the manner provided by any law relating to Municipal authorities, make such bye laws as they deem necessary to carry into effect the objects contemplated by this Act, and generally to provide for the repairing, cleaning, improving and maintaining the roads in the County or any part thereof, and provide therefor either by an assessment on the poll, property and income of the inhabitants, by a statute labour impost, or otherwise, or raise such sum as they require for that purpose, in such amounts as they deem necessary, and in the manner provided by any laws in force for levying, assessing and collecting County or Parish rates, and may enforce the observance of any laws by such penalties as they may prescribe.

The following, or words to the like effect, may be among the forms of proceedings:—

Precept to Collector.

To any Constable of the Parish of \_\_\_\_\_

You are hereby required to collect from the several delinquents named in the annexed Schedule of Assessment for road work, the sums set against their names respectively, and to pay the same when collected to the Commissioners of Roads for the said Parish.—Dated the \_\_\_ day of \_\_\_\_\_ 186\_\_.

A.B. }  
C.D. } Commissioners.  
E.F. }

Names of Delinquents.

L. M. - - - - - \$1 60  
N. O. - - - - - 2 40  
P. Q. - - - - - 4 80  
R. S. - - - - - 4 80

Notice by Collector in Newspaper.

The undermentioned persons, assessed for road work in the Parish of \_\_\_\_\_, in the County of \_\_\_\_\_, are required to pay to the Subscriber their respective assessments, with the costs of advertising, otherwise legal proceedings will be taken against their real estate, situate in the said Parish, for payment of the same, at the end of three months.—Dated the \_\_\_ day of \_\_\_\_\_ 186\_\_.

Names.  
N. O. - - - - - \$2 40  
R. S. - - - - - 4 80

Form of Summons.

County of \_\_\_\_\_, ss.

To any Constable of the Parish of \_\_\_\_\_

Summon N.O. to appear before me at my office in said Parish, on the \_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ to answer the complaint of the Commissioners of Roads for said Parish, for \_\_\_\_\_ dollars and \_\_\_\_\_ cents, for neglect to perform road work, and make return hereof forthwith, as by law directed.—Dated the \_\_\_ day of \_\_\_\_\_ 186\_\_.

G. H., Justice of the Peace.

Form of Capias.

County of \_\_\_\_\_, ss.

To any Constable of the Parish of \_\_\_\_\_

You are hereby required to take the body of N. O., and him safely keep, till he shall give good bail, to answer the complaint of the Commissioner of Roads for said Parish, for \_\_\_\_\_ dollars and \_\_\_\_\_ cents for neglect to perform road work, and notify the defendant that the cause will be heard before me at my office on the \_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_; in default of bail being given, you are required to bring the said defendant before me, that he may be dealt with as the law directs.—Dated the \_\_\_ day of \_\_\_\_\_ 186\_\_.

G. H., Justice of the Peace.

Oath for \_\_\_\_\_ dollars and \_\_\_\_\_ cents.

Form of Execution.

County of \_\_\_\_\_ ss.

To any Constable of the Parish of \_\_\_\_\_

Levy of the goods and chattels of N. O. in your Parish \_\_\_\_\_ dollars and \_\_\_\_\_ cents, which the Commissioners of Roads for said Parish recovered against him in the Court before me, and \_\_\_\_\_ dollars and \_\_\_\_\_ cents for costs, for neglect to perform road work, besides your costs of levying this Execution, and pay over such money to the said Commissioners: For want of goods and chattels whereon to levy, take the body of N. O. and deliver him to the keeper of the gaol of the said County, to be by him kept in confinement for \_\_\_ days, unless the said several sums and your costs be sooner paid.—Given under my hand this \_\_\_ day of \_\_\_\_\_ 186\_\_.

G. H., Justice of the Peace.

A  
Warrant to sell Property.

to wit.

To the Sheriff of \_\_\_\_\_

A. B. of the Parish of \_\_\_\_\_, in the County of \_\_\_\_\_, having been assessed in the Parish of \_\_\_\_\_, [as the case may be,] in the sum of \_\_\_\_\_ for Highway rate; and due notice according to law having been given, and the same not having been paid, and C. D. and E. F., Commissioners of Roads for the said Parish, having applied to us, we do order and command you to levy on the personal estate of the said A. B. for said amount, together with \_\_\_\_\_ for the expenses, besides your costs and charges; and on no personal property being found, to sell at public auction to the highest bidder, first giving thirty days notice of such sale, so much of the real estate of the said A. B., situate in the said Parish, as in your judgment shall be sufficient to pay the said assessment, together with the expenses, costs and charges aforesaid, and make return hereof forthwith to us.—Dated the \_\_\_ day of \_\_\_\_\_ A. D. 186\_\_\_.

L. M., J. Peace.  
N. O., J. Peace.