

Laws of Her Majesty's Province of Newfoundland, passed in the year 1867. J. C. Withers, Queen's Printer, 1867.

30 Victoria – Chapter 3

An Act to amend an Act passed in the Twenty-eighth year of the Reign of Her present Majesty, entitled "An Act to regulate the Making and Repairing of Roads, Streets, and Bridges, within this Colony." (Passed 26th April, 1867.)

Whereas it is expedient to amend an Act passed in the Twenty-eighth year of the Reign of Her present Majesty, entitled "An Act to regulate the Making and Repairing of Roads, Streets and Bridges, within this Colony."

Be it therefore enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:—

- I. Whoever shall in anywise maliciously damage any Public Bridge may be prosecuted summarily before any Justice of the Peace, and on conviction shall be subject to a penalty not exceeding Twenty-five Dollars, or to imprisonment for a term not exceeding Two Months: Provided that this Section shall not be construed to exempt any Offender from being otherwise punished by the Criminal Law in operation in this Colony, when not convicted under this Section.
- II. Any person who, after being duly notified by the Chairman of the Board of Works, or by the Chairman of any Road Board, shall wilfully continue to encroach on or obstruct, or shall again encroach on or obstruct, any of the Public Roads, Streets, Highways, or Bridges, or any Crown or other Lands lawfully reserved for Roads, Streets or Highways, may be summoned before any Stipendiary Magistrate, or two or more Justices of the Peace, who shall decide, in a summary way, a complaint, in the name of the Chairman of the Board of Works, or of the Chairman of any Road Board, of such encroachment; and on being satisfied by proof thereof, may adjudge the Offender to pay a penalty not exceeding Twenty Dollars, together with costs and expenses of removal of any Pence or other Obstruction, which may be levied by distress and sale of the Offender's goods and chattels; and such Pence or other Obstruction or encroachment may be removed either by order of such Justice or under the provisions of the next Section.
- III. The Board of Works, or any Road Board, or the Chairman of either of the said Boards within the respective Districts, may cause to be removed any Fence or other Obstruction placed or erected, or being an encroachment in or upon any Public Road, Street, or Highway: Provided, that this and the former Section shall not apply to a case of disputed right of way over private property.
- IV. The Fourth and Fifth Sections of an Act passed in the Twenty-ninth year of Her present Majesty, entitled "An Act for granting to Her Majesty a Sum of Money for Constructing and Repairing Roads, Streets and Bridges, within this Colony," shall be, and the same are hereby Repealed.