

Penalty for encumbering or stopping Roads or Streets.

XV. *And be it also further Enacted*, That any one of his Majesty's Justices of the Peace, shall and may on his own View, or on the Oath of one credible Witness, impose a Fine, not exceeding Twenty Shillings, on any Person who shall encumber or stop up the way in any of the Roads or Streets in this Province, by laying Timber, Wood, Carts, Trucks or any other thing thereon, to be recovered by Warrant of Distress and Sale of the Offenders Goods and Chattels, or in Case such Offender shall not be known or found, the same shall be recovered by Sale of so much of the Timber or Wood, and the Carts, Trucks or other thing encumbering or stopping the Way in such Road or Street as aforesaid, and be paid to the Overseers of the Poor for the Use of the Poor of the Town or Place where, or nearest the Place where the Offence shall be committed, rendering the overplus, if any be, to the Owner when found. And if the said Nuisance shall continue, the same shall be deemed a new Offence, and shall be prosecuted, and liable to the Penalty aforesaid.

In cases where highways are laid out and that the parties and the surveyors of Highways cannot agree relating to the damage suffered, the same shall be determin'd by a jury out of next towns.

XVI. *19. Geo. 3. Ch. 3. Be it Enacted by the Lieutenant Governor Council and Assembly*, That in all Cases, where, either private or public Highways shall be laid out and any Dispute shall arise between the Parties concerned, and the Surveyors of the Highways, for the Town where the same shall be laid out or proposed to be laid out, relating to the Damage suffered, or likely to be suffered by such parties, the same shall be determined by a Jury to be ordered by the Justices out of the next Towns, who shall be sworn impartially to determine the same.

Surveyor of Highways not to alter roads or streets already laid out nor make any repairs but by the advice and consent of at least three Justices.

XVII. *Be it Enacted*, That the Surveyors of Highways shall not alter any Roads or Streets already laid out, nor make any Repairs to the Streets or Highways in any Town or Township, but by the Advice and Consent of at least three Justices of the Peace.