

XXXVI. And be it enacted, That all the beforementioned Great Roads shall be four rods wide, and shall be kept open and worked of such width within the said four rods, as the said Board of Works shall deem necessary.

XXXVII. And be it enacted, That it shall be lawful for the said Board of Works to employ so many fit and competent persons skilled in the science of Civil Engineering, as they may deem necessary and can obtain to superintend after the day of A. D. 18 the making, repairing, altering and improving the said several Great Roads of Communication and Bridges thereon, through this Province, and for laying out the Public Monies that may be granted for the same under the authority, direction, and controul of the said Board, and to pay such persons such reasonable salaries or wages during the time they are so employed as may be just, according to the services they perform, which shall be properly chargeable by the said Board in their account of expenses of carrying on such Works, and the said Board of Works are hereby vested with full power and authority to make such partial alterations in any parts of the Lines of the Great Roads herebefore mentioned as now laid out that the said Board may deem necessary after due exploration and examination thereof, provided the main route of the said roads are not altered.

XXXVIII. And be it enacted, That in case it shall be necessary or expedient for the Engineers, Surveyors or other persons employed by the said Board of Works in making, repairing or improving any of the Roads, Highways, Streets or Bridges in the Province, to go out of such Roads, Streets or Highways, to procure materials for the repairs or improvement of the same, it shall and may be lawful for such Engineers or Surveyors respectively, when from the absence or obstinacy of the owner or possessor of the soil where such materials are to be had, no agreement can be made with him or her to enter with workmen, carts, carriages and teams upon any uncultivated lands, and therefrom to dig, take and carry away for the repairs or improvements of any of such Roads, Streets, Highways, and Bridges, Stone or Gravel, and also to cut down and carry away trees and bushes, logs, poles and brushwood to repair or improve the same Roads, Highways, Streets and Bridges, and the damage done thereby shall in every case be ascertained, tendered and paid by the said Board of Works in like manner in all respects as herebefore is provided for the damages done to improved lands.

XXXIX. And be it enacted, That if any person or persons shall wilfully hinder or interrupt any Engineer or Surveyor or other person or persons employed by the said Board of Works in the lawful exercise of the duties incident to his office or employment under the direction and authority of the said Board, every such person so offending shall forfeit the sum of £5, to be recovered as herebefore directed, and to be paid when recovered to the Treasurer of the County in which such offence is committed, to be accounted for by him with the road monies of the Parish in which the offence is committed in manner herebefore provided.

XL. And be it enacted, That if any action of Trespass or upon the case shall be brought against the said Board of Works or any person or persons employed by the said Board by occasion of any thing done in execution of the duties of the said Board, or any such person or persons in its employ, under any by virtue of this Act, the Defendant or Defendants in any such action 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.

XLI. And be it enacted, That no action shall be brought against the said Board of Works or any person or persons in its employ for any act, matter or thing, whatsoever done, performed or committed by the said Board or any person or persons in its employ, acting under the authority and direction of the said Board in or about the execution of any of the duties imposed on the said Board of Works, or on any person or persons in its employ under the provisions of this Act until after one month's notice to the said Board or to the person or persons against whom such action is intended to be brought, stating specifically the subject matter for which such action is intended to be brought, and every such action shall be confined to the subject matter stated in such notice, and it shall and may be lawful for the said Board of Works or any such person or persons in its employ to whom such notice shall be given at any time before action brought to make and tender amends to the party aggrieved and if such tenders shall not be accepted then to plead such tender to the action and to pay such sum so tendered into Court, and if the Plaintiff shall not recover greater damages than the amount so tendered and paid in, the Defendant shall recover his costs of suit.

XLII. Provided always and be it enacted, That all acts and proceedings which may have been done and had under and by virtue and in pursuance of any of the said recited Acts herebefore repealed shall be and remain valid and effectual notwithstanding such repeal, and that nothing herein contained shall be construed in anywise to annul, discharge, vacate or make void any contract, agreement, debt or liability lawfully made, entered into or incurred, previous to the period when this Act shall come into operation by or to any Supervisor, Commissioner or Surveyor of Roads, but that every such contract, agreement, debt or liability shall be performed, fulfilled, paid and discharged between the parties making the same, (unless assumed, adopted or discharged by the said Board of Works,) the same as it would have been if the said Acts had not been repealed.

XLIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to the City of Saint John, or to any County, Town or Borough corporate, incorporated under the provisions of an Act passed at this present Session, entitled "An Act to provide for the establishment of Municipal Authorities in this Province," except so far as relates to any of the Great Roads of Communication, passing through or in any such County, Town or Borough corporate.

A BILL

To provide for the Establishment of Municipal Authorities in this Province.

WHEREAS for the better protection and management of the local interests of Her Majesty's Subjects it is expedient that Municipal Authorities be established in the several Counties in this Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if the inhabitants, freeholders and householders of any County in this Province, shall petition the Governor, praying that such County may be incorporated, and shall make it appear to the satisfaction of the Governor, that it is the wish and desire of not less than two-thirds of the male inhabitants, freeholders and householders thereof, paying County and Parish rates, signified by their signing such Petition, or by such other means as may be satisfactory to the Governor, that such County should be incorporated under the provisions of this Act, it shall be lawful for the Governor, by and with the advice of the Executive Council, if he shall think fit to grant to such County a Charter of Incorporation, under the Great Seal of this Province, thereby extending to such County the powers, authorities and provisions of this Act: Provided always, that before any such Charter shall be granted, such Petition, with the signatures thereto, must be published at least one month in the Royal Gazette of this Province, and also for the same time in some one of the public newspapers, if any there be published in the County so to be incorporated, and also a copy of such Petition, with the signatures thereto, must be kept posted up in the Office of the Clerk of the Peace of the County so to be incorporated, at least one month before such Charter be granted, and that it be made to appear on affidavit to the satisfaction of the Governor, that such publication of every such Petition has been made in all respects as herebefore is directed, before any such Charter shall be granted, and it is hereby declared and enacted, that all and every such Charter or Charters of incorporation that may hereafter be granted without the publication of every such Petition as aforesaid, for the time and in manner herebefore directed being first made, are and is hereby declared null and void, and of none effect, any thing therein or herein contained to the contrary notwithstanding.

II. And be it enacted, That the inhabitants qualified as hereinafter provided, of every County that hereafter shall be so Incorporated by Charter as aforesaid, granted under the authority of this Act, shall on acceptance thereof by putting the same into operation, from and after the first day of January in the year 1843, be a Body Corporate, and as such shall have perpetual Succession, and a common Seal, with power to break, renew and alter the same at pleasure; and shall be capable in Law of suing and being sued, and of purchasing and holding Lands and Tenements situate within the limits of such County for the use of the said inhabitants, and of making and entering into such Contracts and Agreements as may be necessary for the exercise of their Corporate functions; and that the powers aforesaid shall be exercised by, through and in the name of the Council of every such County respectively, so to be established: Provided always and be it enacted, That it shall not be lawful for the inhabitants of any County Incorporated as aforesaid, to exercise any other power of a Corporation except such as are herein mentioned, or as shall be necessary for the due execution of the powers herein granted, or such as shall be expressly conferred by any Act of the General Assembly of this Province that may hereafter be made and passed.

III. And be it enacted, That there shall be a County Council in each of such Counties as aforesaid, which Council shall consist of a Warden and Councillors, to be appointed and selected as hereinafter provided.

IV. And be it enacted, That for every such County there shall be one Clerk

to be called the County Clerk and Clerk of the Council, to be appointed as hereinafter provided who must be a resident of, and keep his office within the County Town of such County, and whose duty it shall be to keep in safe custody all the Records, Documents and Muniments of the said Corporation, and to keep a Book to be called the County Roll, in which he shall enter or cause to be entered the names of all inhabitants duly qualified to be so enrolled under the provisions of this Act, and take and keep the Minutes of all the proceedings of the Council, and to all other ministerial acts under the direction of such Council as may appertain to the office of County Clerk and Clerk of the Council, conformable to the provisions of this Act.

V. And be it enacted, That from and immediately after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to appoint by Letters Patent under the Great Seal of the said Province, and also from time to time afterwards as occasion may require one fit and proper person duly qualified as hereinafter mentioned, to be the Warden of, and in every such County for the purpose of this Act, who shall hold such office during pleasure; and also by like Letters Patent to appoint one fit and proper person to be the Clerk of such Corporation to be called the Clerk of such County, and Clerk of the Council, who shall hold his office during pleasure.

VI. And be it enacted, That every such Warden must be an inhabitant of such County, seized and possessed of real estate situated within the limits thereof, to the value of not less than £500 currency, free of all incumbrances; and that every other member of such County Council must also be an inhabitant of such County, seized and possessed of real estate situate within the limits thereof to the value of not less than £300 currency, over and above all incumbrances.

VII. And be it enacted, That every male person of full age who, on the day appointed for the election of such Council in any year, shall be in the occupation of any House, Warehouse, Counting House or Shop, within the limits of any Parish in such County, and shall have been in the occupation thereof for two years next preceding such day of Election, and during such occupation shall have been a resident householder within the limits of such Parish, and shall have been rated for the Poor and other Parish or County Rates that may have been duly assessed on the inhabitants of such Parish during his occupation, and shall have paid on or before such day of Election all such rates as shall before that time have been due from him, shall be entitled to be enrolled as an Elector of such County, and being so enrolled shall be entitled to vote at all such Elections of Councillors for such County so long as he shall continue so qualified and enrolled, but no longer; and no alien or any person who has received Parochial relief within twelve months before any such day of Election shall be enrolled as, or deemed and taken as a member of such Corporation or admitted to any of the privileges or benefits thereof.

VIII. And be it enacted, That in case any such occupier shall not have been rated but shall claim to be entitled to be rated and on paying the last rate then due, the Assessors of the Parish shall enter his name upon the assessment list and rate him with his due proportion of the rate of assessment on the inhabitants of the Parish within such County; and if the Assessors shall in any such case refuse to rate such occupiers, still he shall be deemed to have been rated for the purposes of this Act and entitled to be enrolled as an Elector so long as he continues such occupier, and to pay or be ready to pay such rates, and in such case the landlord's liability and right of being enrolled as an Elector for any property upon which such occupier shall so be rated at his own request shall not be taken away.

IX. And be it enacted, That after any County shall have been Incorporated under this Act, and the Governor shall have appointed a Warden and Clerk of such County in manner as herein is provided as the first Warden and Clerk of such County, it shall be the duty of such Clerk as soon after his appointment as conveniently can be done, to demand from the Collectors of Parish and County Rates for the several Parishes in the said Counties respectively, correct lists of all the inhabitants, freeholders and householders within the limits of such Parishes respectively that have been rated for Parish and County Rates for the than last assessment that shall have been made on such inhabitants; and it shall be the duty of every such Collector and Collectors to furnish such Clerk with such list certified under his or their hands within fourteen days after such demand, under the penalty of ten shillings for every week he or they shall delay delivering such list after the expiration of such fourteen days.

X. And be it enacted, That such County Clerk shall immediately after obtaining such certified lists from such Collectors, submit the same to the Warden of such County, who shall then forthwith give public notice in the Royal Gazette, and in some one of the public newspapers if any published in the County, and also cause the same to be posted up in two or more of the most public places within the County, calling upon all inhabitants of such County claiming a right to be enrolled as Electors thereof to appear within two months from the publication of such notice on such weekly days as shall be appointed by such Warden in such notice, at the office of the County Clerk, and produce proof of their qualifications to be enrolled, and to be then enrolled as Electors; and it shall be the duty of such Warden and Clerk to attend at such office one day in each week of the said two months being the days named in such notice, from the hour of ten o'clock in the forenoon, until three o'clock in the afternoon of each of such days, to receive and to examine into all such claims as may be made to be enrolled as Electors, and to enroll on a Roll Book the names of all persons who it shall be made to appear to the satisfaction of the said Warden and Clerk are duly qualified to be enrolled as Electors, under the provisions of this Act; provided nevertheless, that any person though not attending pursuant to such notice to be enrolled within the two months, may at any time after upon making it appear to the satisfaction of the Warden of the said County that he is duly qualified to be so enrolled be entitled to have his name then enrolled; and it shall be the duty of the Warden to direct the Clerk so to enroll such person's name, and the said Clerk is hereby required so to do on every such direction of such Warden, and for every name enrolled, the Clerk shall be entitled to demand and receive from the person so enrolling his name the sum of one shilling, currency, as his fee for his trouble, and the said Clerk shall not be bound to enter the name on the Roll until such fee is paid.

XI. And be it enacted, That after the expiration of the two months herebefore provided for enrolling the Electors of such County, the Wardens shall all one month's public notice in the Royal Gazette of this Province, and in some one of the public newspapers (if any) published in the County, and also cause the same to be posted up in three or more of the most public places in each Parish in such County, of the time and place appointed for the first meeting of the

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