

36. All Commissioners shall be exempt from the performance of statute labour under this Act.

37. Any balance remaining in the hands of any Commissioner on the fifteenth day of December in each and every year, or received by him after that period to the expiration of the year of his office, shall be handed, with a statement of the Parish and District in which the same was collected, to the County Treasurer, to be held by him subject to the order of the Commissioners for the ensuing year of the Parish in which the same was collected, to be by them expended on the roads in such Parish.

38. If any Commissioner shall neglect or refuse to render his account for all moneys received, or work done by him, or shall retain in his hands any moneys, contrary to the provisions of this Act, or not properly expend the same, any General or Special Sessions may order him to be brought before them; the officer receiving such order shall execute the same according to the exigencies thereof. The said Sessions, on the Commissioner being brought before them, may, if they see fit, commit him to gaol until he shall have purged the contempt, unless they on cause shewn, deem it proper to discharge him, and in addition thereto the party so offending shall for any such neglect or refusal, and any Commissioner or Surveyor shall for any other neglect of any of the duties imposed upon him by this Act, be liable for every offence to a penalty of not less than forty shillings or more than five pounds, to be recovered on the complaint of any freeholder before any two of Her Majesty's Justices of the Peace of the County, one half to be paid to the person suing for the same, and the other half to the Overseers of the Poor of the place where the offence was committed, for the use of the poor.

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

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

41. Any person thinking himself over-rated or assessed too high by the Commissioners, may, after notice, appeal to the next Sessions; if the appeal be sustained, they may relieve him by deducting the surplus from the amount of statute labour to be performed by him the next year.

42. 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 the Commissioner to be transmitted to him, which memorandum shall be accompanied with an affidavit, to the following effect:—

County of \_\_\_\_\_ to wit :

I, A. B., of \_\_\_\_\_ in the said County, do make oath that the whole of the property, real and personal, held by me, or any person in trust for me, does not exceed \_\_\_\_\_, and that my whole yearly income does not exceed \_\_\_\_\_ . A. B.

Sworn at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 185 \_\_\_\_\_ } C. D. J. P.

43. Nothing contained in this Act shall interfere with the rights of any City, Town, or Parish, for which special or local laws relating to statute labour are now in force.

44. In incorporated Counties the County Council may, in the manner provided by any law relating to Municipal autho-

rities, make such bye laws as they deem necessary to carry into effect the object 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.

## CAP. XIX.

### An Act relating to the repairing of Bye Boads and Bridges in this Province.

#### Section.

1. Commissioners to expend Legislative Bye Road money to be elected.
2. To be certified as other Parish officers.
3. List of elected Commissioners for Prov. Secretary's Office; supply of vacancies.

#### Section.

4. Certificate and bond, before drawing on Treasury.
5. Act to commence 1st October.
6. Not to apply to incorporated Counties.

*Passed 12th April 1855.*

WHEREAS the mode of expending the moneys appropriated by the Legislature for the improvement and repairing the Bye Roads and Bridges within this Province is found inconvenient and defective;—

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

1. The persons now by law authorized to elect certain Parish Officers at the public meetings in the respective Parishes held by law for the election of such officers, shall be authorized to elect, and shall elect one or more person or persons (not exceeding three) as a Commissioner or Commissioners in each Parish, to expend the whole of the money granted or appropriated by the Legislature for the Bye Roads in such Parish, which person or persons so elected shall have the same power and authority, and be subject to the same duties, responsibilities, and penalties as any Commissioner of Bye Roads heretofore appointed for the expenditure of Bye Road appropriations.

2. The person or persons so elected shall be certified and returned into the Sessions in like manner as is provided by law for other elective Parish Officers.

3. The Clerks of the Peace for the Counties respectively, shall annually on or before the first day of April in each and every year, make out and transmit to the Secretary's Office, a list of the Commissioners so elected for the several Towns and Parishes in their respective Counties; and in case no return of such Commissioners for any Parish or Parishes shall have been made, the Clerk of the Peace shall certify the same, and persons shall be appointed by the Governor in Council to expend the money in such Parishes for which no Commissioners are certified to have been elected, in the same manner as if this Act had not been passed.

4. No such moneys shall be drawn from the Treasury without a certificate from such Commissioner or Commissioners respectively, or the majority of them, filed in the Office of the Secretary of the Province, that the amount has been duly expended as by law directed; nor until such Commissioners shall give bonds, to be prescribed by the Government.

5. This Act shall not come into operation until the first day of October one thousand eight hundred and fifty five.

6. This Act shall not affect incorporated Counties.