

the Justice issuing such Warrant, find that such road is necessary, the said Commissioners or any two of them, if they approve of such finding, shall lay out the said road, immediately after which the said Jury shall be sworn to assess the damages, and shall proceed to assess the same.

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

5. The Justice, for issuing such summons and presiding, shall receive ten shillings; each Juror summoned and attending as aforesaid, shall be entitled to five shillings, and the officer summoning them, to ten shillings; the sum necessary to meet such expenses shall be paid by the parties applying for the road to the Commissioners previous to the issuing such Warrant: the Commissioner shall pay the Justice, Officer and the Jury their fees: if the Jury find such road necessary, such expenses and assessment of damages as aforesaid, shall be laid by the said Commissioners before the next General Sessions for the County.

6. 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 to the parties entitled thereto.

7. The Surveyors of Districts shall, in addition to the power given to them under the thirty first Section of the said Act, to summon the inhabitants to shovel roads and assist to break roads, have power to require such inhabitants, when attending, to haul or shovel snow on such parts of said roads as the Surveyor shall direct, subject to the like penalties for neglect or refusal as are prescribed by the said Section.

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

9. That any assessment for Statute Labour on the property of females and minors may be paid for in labour by substitutes.

CAP. XXXI.

An Act to authorize the establishment of a Great Road leading from the Mouth of the Gaspereaux River, in Queen's County, to the South West Bridge, on the River Miramichi.

Described Road placed on Great Road establishment.

Passed 6th April 1858.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, a Road beginning at the mouth of the Gaspereaux River, in Queen's County, crossing Cain's River and Muzroll Brook, so called, and connecting with the South West Bridge, on the River Miramichi, be placed upon the Great Road list, as one of the Great Roads of communication in this Province.

CAP. XXXII.

An Act to amend Chapter 101, of Title XXII, of the Revised Statutes "Of the Sea and River Fisheries."

Additional penalty for violation of Cap. 101, Rev. Stat.

Passed 6th April 1858.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That every person violating the fifteenth Section of the said recited Chapter shall, in addition to the pains and penalties thereby incurred, forfeit and pay for each and every offence a fine of not less than five pounds nor more than twenty pounds, in the discretion of the Justices before whom tried, to be sued for and recovered before any two Justices of the County where the offence has been committed; the fines and penalties to be applied as is directed in and by the said recited Chapter.

CAP. XXXIII.

An Act in amendment of Act 18 Victoria, Chapter 37, intituled *An Act to regulate the election of Members to serve in the General Assembly.*

Section.

1. Votes to be counted and certified at the close of the poll in each District.
2. Defective ballots to be destroyed.
3. At adjourned Court, Sheriff to ascertain the state of the poll, and return the Members.

Section.

4. Parts of 18 V. c. 37, inconsistent with this Act, repealed.
5. Deposit of register of electors in incorporated Counties.

Passed 6th April 1858.

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

1. The forty first and forty third Sections of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the election of Members to serve in the General Assembly*, are hereby repealed; and in lieu thereof,—At the close of the Poll in the different Districts, the Poll Clerk, under the direction and supervision of the presiding officer in every District, shall open the ballot box, and publicly count the ballots therein deposited, and make a check list thereof in the presence of the candidates, their agents or nominees, in open Court, and shall openly and publicly declare the number of votes which each candidate has received at such polling District, and shall make out and subscribe, then and there, in the presence of the said candidates, their agents or nominees, the said check list, and a written statement or declaration of the result of such poll, to which check list, and statement or declaration, the said candidates, agents, or nominees, may, if they so desire it, affix their names; and the said poll clerk shall then and there enclose the said check list, and written statement or declaration, in an enclosure or envelope, and seal the same up and publicly deliver it to the presiding officer so enclosed and sealed, who shall give a receipt therefor, and such presiding officer shall forthwith deliver or transmit the same to the Sheriff, who shall receive and safely keep the same unopened until the reassembly of the Court at the Court House on the day to which it had been adjourned, and the poll clerk shall, after enclosing and sealing up such check list, and statement or declaration as aforesaid, forthwith in open Court, publicly destroy, in the presence of the said candidates, their agents or nominees, the ballots deposited at the said polling place.

2. That if in counting the ballots the names of other persons than the candidates, or more persons than can be elected are found on any ballot, or if any ballot should be found not to be single, the poll clerk shall forthwith, then and there, publicly