

CAP. XVI.

An Act further to amend an Act intituled "An Act in amendment and consolidation of the Laws relating to Highways."

Sec.	Sec.
1 Section 19. Cap. 16, 25th Vic. in part repealed.	5 Duties of Surveyors.
2 Surveyor may receive money in lieu of labor, and expend the same on roads, &c.	6 Penalty for neglect of duty.
3 Penalty under 23rd Section Cap. 16, 25th Vic. to be collected by Commissioner, and paid over to Surveyor.	7 Surveyor neglecting or refusing to expend money received by him; penalty.
4 Surveyor to make return to Commissioners of moneys received and expended by him.	8 When Commissioner or Surveyor shall enter into recognizance to appear.
	9 Costs on suits for recovery of penalty, how taxed.
	10 Act 25th Vic. Cap. 16, in part repealed.

Passed 17th May 1871.

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

1. That so much of Chapter sixteen, Section nineteen, of an Act passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in amendment and consolidation of the Laws relating to Highways*, as relates to the receipt of the moneys in lieu of the labor, and the expenditure of the same by the Commissioners of any Parish or District, is hereby repealed.

2. The Surveyor of roads of any sub-district may, after the first day of May, and up to and until the first day of August in each year, receive from any person assessed to perform such labor the sum of fifty cents for each day's labor required, in lieu of the labor; and the moneys so paid to each respective Surveyor shall be laid out by such Surveyor on the roads and bridges in his sub-district, between the first day of May and the first day of September in each year; but the Surveyor shall give six days public notice, within his district, of the time and place intended to expend the same, and shall let out the work by public auction to the lowest bidder.

3. The Commissioner, upon receiving the penalty mentioned in the twenty third Section of the said recited Act, shall forthwith pay the same over into the hands of the Surveyor of roads for the sub-district where the offence is committed, and the amount of such penalty shall be expended by such Surveyor in repairing the roads in the said sub-district in the manner hereinbefore mentioned.

4. Every Surveyor shall, before the first day of November in each year, deliver to the Commissioners, under oath, a return of the moneys so received by him in lieu of statute labor as aforesaid, setting forth by whom the said moneys were paid, the amount paid by each person, and the manner in which the same were expended and laid out; and such Surveyor shall include also in such return as aforesaid, a return of the moneys so received by him from such Commissioner, and of the manner in which the same were expended.

5. Notwithstanding any thing in the said recited Act contained, the Surveyors, in their respective districts, shall perform the several duties required of them by the twenty ninth Section of the said Act, without being specially ordered or directed by the Commissioners so to do; and the Surveyors shall have all the power to do, without the direction of the Commissioner, what under such direction they are empowered to do by the twenty fifth Section of said Act.

6. If any Surveyor or Commissioner shall neglect or refuse to perform any of the duties required of him by this Act, he shall be liable, for every offence, to be proceeded against in the same manner, and shall incur the same penalty, as

directed in and by the forty second Section of the said recited Act; which penalty shall be applied in the same manner as in the said Section directed.

7. If any Surveyor shall neglect or refuse to expend the moneys received by him, as in this Act directed, any General Sessions or Secretary Treasurer of any Municipality may proceed against and deal with him in the same manner as they, or either of them, are empowered to proceed against and deal with a Commissioner for neglect or refusal by the forty third Section of the said recited Act.

8. If any General Sessions of the Peace for the County of Saint John order a Commissioner of roads, or a Surveyor of roads, to be brought before them, either under the provisions of the said forty third Section of the said recited Act, or under the provisions of this Act, it shall and may be lawful for the officer executing such order, in case such Commissioner or Surveyor cannot be brought before the said General Sessions by reason of their adjournment, or in consequence of their not being in Session at the time of the execution of such order, to take such Commissioner or Surveyor before any Justice of the Peace resident in the County; and such Commissioner or Surveyor shall thereupon enter into a recognizance before such Justice, with two sufficient sureties, to the satisfaction of such Justice, and in such amount as the said Justice shall determine, not exceeding eight hundred dollars, to appear at the General Sessions for such County next ensuing the date of such recognizance, and abide the order of such Sessions; and in default of such recognizance being given, the said Justice shall commit such Commissioner or Surveyor to the County gaol, there to remain until the sittings of the General Sessions for the said County next ensuing such commitment, unless the recognizance hereinbefore provided shall be sooner given; and such General Sessions may then deal with such Commissioner or Surveyor as directed in the said recited Act.

9. That all moneys assessed by Commissioners upon property of non-residents, for the maintenance and repairing of Highways, shall be paid over to the Surveyors in the several districts where said property lies, to be by them expended as all other moneys so paid into the hands of such Surveyors.

10. That in any suit or proceeding for the recovery of any penalty imposed by the provisions of any Act of Assembly relating to Highways, costs may be taxed and allowed, and judgment given to the successful party therefor, according to the scale of fees established in civil suits or summary convictions before Justices of the Peace, as the case or mode of proceedings may be.

11. So much of the said recited Act as is inconsistent with this Act, and an Act passed in the thirtieth year of the Reign of Her present Majesty, intituled *An Act to provide for the more effectual repairing the Roads and Bridges in the Parish of Hopewell, in the County of Albert*, are hereby repealed.

CAP. XVII.

An Act in addition to an Act intituled "An Act to regulate the sale of Spirituous Liquors in the City and County of Saint John."

Sec.	Sec.
1 When tavern, &c. may be open.	6 Buying contrary to Act; penalty.
2 Authority to enter tavern, &c.	7 Copy of Act to be furnished; by whom.
3 Violation of Act; penalty.	8 Penalties, how collected.
4 What constitutes sufficient proof for conviction.	9 Act 24th Vic. Cap. 23, to be taken as part of this Act.
5 Hotels in certain cases exempted.	

Passed 17th May 1871.

WHEREAS the provisions of an Act passed in the twenty fourth year of Her present Majesty's Reign, intituled *An Act*