

said fence in accordance with such determination, the said Commissioners shall cause the same to be done, and may recover from the party so refusing or neglecting all the expenses of erecting or repairing the same and procuring the necessary materials, with costs of suit, in an action of debt before any Court competent to try the same.

CAP. LIII.

An Act relating to the Public Burial Ground in the Town of Moncton.

- | | |
|---|--|
| Sec. | Sec. |
| 1 When bodies may be buried in new Cemetery. | 3 What distance burial ground shall be from river. |
| 2 When bodies shall not be buried in old burying ground; penalty. | |

Passed 8th April, 1874.

WHEREAS the Public Burial Ground in connexion with the "Free Meeting House," so called, situated in the Town of Moncton in the Parish of Moncton, County of Westmorland, is filled up with the interment of the dead to an extent beyond what a due regard to the health of the inhabitants would warrant; and as a fit and commodious public Cemetery has been provided, which Cemetery is incorporated by Act of General Assembly, intituled *An Act to incorporate the Moncton Rural Cemetery Company*, made and passed in the nineteenth year of the Reign of Her present Majesty, and is at present under proper regulations for the accommodation of the several denominations whose burial grounds will be by this Act interfered with;—

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

1. That upon and after the first day of May in the year of our Lord one thousand eight hundred and seventy four, it shall not be lawful to inter, bury or place the corpse of any deceased person within the burial grounds before named in connexion with the said "Free Meeting House" aforesaid, in Moncton, in the Parish of Moncton.

2. That if any person or persons shall, after the first day of May aforesaid, inter, bury or place any corpse within the said burial grounds, or shall aid or assist in interring, burying or placing any corpse within the said burial grounds, they shall forfeit and pay the sum of one hundred dollars, to be recovered with costs by an action of debt in any of Her Majesty's Courts of Record in this Province, by and in the name of the Overseers of the Poor for the time being in the Parish of Moncton, to be paid to and applied by the Overseers of the Poor of said Parish for the use of the poor thereof; or in case of default of said payment of one hundred dollars by the person or persons convicted, to be imprisoned in the common gaol in the County of Westmorland for the term of not exceeding sixty days; and it shall and may be lawful for any of the Justices of the Peace for the County of Westmorland, and they are hereby required to order and direct the disinterment and removal of any corpse interred, buried or placed in the said burial grounds contrary to the provisions of this Act, and to cause the same to be decently interred in the Moncton Rural Cemetery in accordance with the regulations of the Corporation.

3. That no ground around the Town of Moncton, in the Parish of Moncton, shall be used or applied for the purpose of public burial or interment of the dead, by any denomination or body of christians, or others, that is not situate at least a distance of one mile from the River Petitcodiac where said River joins the Town of Moncton, under the penalty above named in Section second, and subject to the same provisions and requirements as in the said Section are set forth.

CAP. LIV.

An Act to authorize the Fredericton Railway Company to alter a part of a certain Road within the City of Fredericton.

- | | |
|---|--|
| Sec. | Sec. |
| 1 Alteration in road authorized. | 5 Approach to new road from Negro Hill not to be affected. |
| 2 Power of Company to take land; proviso. | 6 Former inquisitions for damages to be void. |
| 3 New road to be a public highway. | |
| 4 Width of road. | |

Passed 8th April, 1874.

WHEREAS the Railroad of the Fredericton Railway Company crosses the Great Road leading from Fredericton to Saint John at two points within a short distance of each other within the said City of Fredericton, thereby making two crossings on the said road within a short distance of each other, and causing inconvenience and danger to persons travelling along the same; and whereas it is desirable that that part of the said road which now lies to the westward of the said Railroad should be changed so as to run to the eastward thereof;—

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

1. The Fredericton Railway Company are authorized and hereby required to alter that part of the great road leading from Fredericton to Saint John, within the said City of Fredericton, which lies to the westward of the Railway line of the said Company, and to locate, make and open a good and substantial new road, properly levelled and turnpiked, instead thereof, to the eastward of the said Railway line, and contiguous or nearly so to the lands heretofore taken by the Company for their works, such new road to form a continuation of the said great road; provided that such new road be located and laid out without the limits of the lands heretofore taken by the said Company for the purposes of their railroad.

2. The said Company, their agents or servants, are hereby authorized to enter in and upon the lands of private persons or Corporations for the purpose of locating such new road; and when such road shall be so located they are hereby authorized to take and hold the said lands upon which the said road may be so located, and to remove any buildings or obstructions thereupon, and thereupon to make and construct the said road; provided however, that the said Company shall not do any act or thing upon the said lands other than locate the said road, until they shall have paid to the owner or owners of such land such price or prices as they and the owner or respective owners may agree upon for the lands upon which the said road may be located, and for the damage to be done to any buildings thereon by reason of the construction of such road; and in case the said parties cannot agree then the said Company shall pay such damages as shall be ascertained and determined in the manner directed in and by the first Section of an Act made and passed in the twenty eighth year of Her Majesty's Reign, intituled *An Act in addition to the Act in aid of the construction of Railways*; and thereupon the said Company, their servants, agents, and workmen, with all necessary things, may enter upon the located road and construct the same.

3. Immediately upon such new road being opened the same shall be a public highway, and form a part of the said great road from Fredericton to Saint John, and be liable to the same government, control and management in all respects as that part of the said great road which lies within the City of Fredericton; and that part of the old road lying to the southward of the limits of the road leading from Negro hill