



BY AUTHORITY.

ANNO TRICESIMO OCTAVO VICTORIÆ REGINÆ.

CAP. XLIV.

An Act to repeal all Acts and parts or clauses of Acts relating to Highways, as regards their operation in the Parishes of Lancaster, Simonds, and Saint Martins, in the City and County of Saint John, and to make other provisions in relation to Highways in the said Parishes.

Sec.	Sec.
1 To what Parishes Act shall apply; what Acts or parts of Acts repealed.	19 When Commissioner shall not be eligible for reappointment.
2 Definition of words and terms.	20 Duty of Commissioner in laying out, altering or extending highway.
3 Highways, how maintained, and under whose direction.	21 When highway is laid out by consent of owners of land; consent to be filed by Commissioner with return of highway.
4 Board to make estimate annually of amount required for highways, and lay before Sessions.	22 In case of private road, if owner do not consent Jury to determine necessity of road and assess damages.
5 Sessions to order amount to be assessed.	23 When alteration in road is made, Jury in assessing damages to value old road.
6 Assessment, how and by whom made.	24 When old road may be closed.
7 Assessment, how collected.	25 Pay to Justice, Jury, &c.
8 Moneys paid to County Treasurer, how withdrawn.	26 When Sessions shall order assessment to pay damages, &c.
9 Remuneration to Commissioners.	27 When Board may stop proposed alteration.
10 Duty of Commissioners; who shall not be interested in contracts.	28 Board stopping proceedings to report to Sessions.
11 Thinly populated districts to be duly regarded in disposal of moneys.	29 Width of road.
12 Roads in winter, how kept open; pay for opening roads.	30 What roads shall be deemed public roads.
13 Persons refusing to attend when summoned; penalty.	31 Commissioner to file description of roads with Clerk of Peace.
14 What roads shall be staked or bushed out; penalty for removing or destroying stakes or bushes.	32 Penalty for altering, obstructing, &c. road.
15 When advances of money may be made to Board by Co. Treasurer.	33 When bells must be used on harness.
16 Commissioners to account to Board for moneys expended.	34 Neglect or refusal to perform duty required; penalty.
17 When Commissioner shall execute Bond.	35 Penalties, how recovered and applied.
18 When Commissioner may be removed from office.	36 When Act comes into operation.

Passed 10th April, 1875.

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

1. This Act shall apply to and be in force in the Parishes of Lancaster, Simonds, and Saint Martins, in the City and County of Saint John only, and the following Acts of Assembly are repealed, namely:—Nineteenth Victoria, Chapter fifty-five, and thirty seventh Victoria, Chapter three, and no other Act or Acts, or parts or clauses of any Act or Acts relating to Highways, shall, after the passing of this Act, be deemed or taken to be in force or operation within the said Parishes, in so far as the same may be in any way repugnant to or inconsistent with this Act, but this provision shall not extend to the thirty fifth Victoria, Chapter ten, which is hereby declared to be and remain in full force and effect.

2. Unless otherwise declared or indicated by the context, the following words or terms when used in this Act, shall be construed thus, that is to say:—"Parish," to mean each and every of the said Parishes; "Board," the Board herein-after provided in and for each of the said Parishes; "Commissioner," the Commissioner of Highways in and for each of the said Parishes; "Highways," all public roads, streets, and bridges, in each of the said Parishes; "Sessions," any General or Special Sessions of the City and County of Saint John,

3. Highways shall be made and maintained by and under the direction of a Board for each of the said Parishes, which Board shall be composed and appointed, and shall have and exercise the powers following, that is to say:—

a. The Board shall be appointed by the Sessions annually at the December term thereof, and shall consist of three Justices resident in the Parish for which they are appointed; should the Sessions fail to appoint, the Board of the previous year shall continue, and should a vacancy occur in the Board during the year, the Sessions may at any time fill up the same:

b. The Board shall as soon as possible after their appointment, name and appoint a suitable person Commissioner of Highways for the Parish for the ensuing year; and no person shall be disqualified from being such Commissioner by reason of his being a Justice of the said City and County.

c. The Board may elect one of their number Chairman, and, subject to the approval of the Sessions, make regulations for their own guidance in the transaction of business:

d. The acts of a majority of the Board at any meeting duly summoned, shall be valid:

e. Should the Board at any time fail to appoint a Commissioner within one month after their appointment, the necessary appointment shall be made by the Sessions.

4. It shall be the duty of the Board prior to the first day of March in each year, to make up and file in the Office of the Clerk of the Peace of the said City and County, an estimate of the whole amount required for Highways in the Parish during the ensuing year; and the same shall be accompanied with a requisition to the Sessions to levy such amount upon the Parish, according to law.

5. The Sessions during the March term thereof, shall cause such amount, or if sufficient cause be shewn for a reduction of the amount, shall cause such reduced amount as they shall see fit, together with the expenses of assessing and collecting, to be levied and assessed upon the Parish by Warrant issued to the Assessors in the usual form and manner.

6. The Assessors shall assess the amount of such Warrant in manner following, that is to say:—First, by an equal poll rate of one dollar and a half upon each ratable inhabitant not more than sixty years of age, of the Parish, and the remainder upon real and personal estate and income, in the same manner as other County or Parish rates and taxes; and no Corporation, Company, person, or estate, holding real or personal estate in the Parish, or ratable for income, or as a resident therein, except persons over sixty years of age, who shall be exempt from poll tax only, shall be exempt from taxation for Highways, any law or custom to the contrary notwithstanding; but it shall be at the discretion of the Board, in such cases as they may deem it expedient, to allow any ratepayer to perform labour in lieu of a money payment; such labour to be performed at the rate of one day's work for each fifty cents assessed, and in such manner and at such time and place as the Commissioner, subject to the approval of the Board, may direct.

7. The amount of such Warrant shall be collected in the same manner as other County or Parish rates and taxes, and in like manner paid in to the County Treasurer to the credit of the Highways Board of the Parish.

8. Moneys so paid in to the County Treasurer may be withdrawn as required, upon the order of any two members of the Board.

9. The Commissioner shall receive and be paid such salary