



BY AUTHORITY.

THE following Part of Chapter 70 of the Consolidated Statutes, and a Schedule of the Acts of which such Part is a consolidation, are published by Order of the Governor in Council, dated 31st May, 1876, under Sections 14 and 20 of the Chapter of the Consolidated Statutes relating to the Promulgation and Repeal of Statutes; and from and after the publication hereof, the said Part of Chapter 70 is hereby brought into operation, and the Act referred to in the said Schedule repealed.

## CHAPTER 70.

### HIGHWAYS.

#### PART II.

#### IN THE CITY AND COUNTY OF SAINT JOHN.

66. This Part of this Chapter shall apply to the Parishes of Lancaster, Simonds, and Saint Martins, in the City and County of Saint John, only.

67. Unless otherwise declared or indicated by the context, the following words or terms when used in this Part, shall be construed thus, that is to say:—"Parish" to mean each and every of the said Parishes; "Board," the Board hereinafter provided in and for each of the said Parishes; "Commissioners," 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.

68. 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, appointed, and exercise powers as follows:—

(a) The Board shall be appointed by the Sessions annually at the December term thereof, and shall consist of five Justices resident in the Parish for which they are appointed; should the Sessions fail to appoint, the Board of the former 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 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 fail at any time to appoint a Commissioner within one month after their appointment, the necessary appointment shall be made by the Sessions.

69. 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.

70. The Sessions during the March term thereof shall cause such amount, or if a 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.

71. 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 and 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 in such time and place as the Commissioner, subject to the approval of the Board, may direct.

72. 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.

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 Moneys so paid in to the County Treasurer may be withdrawn as required, upon the order of any two members of the Board.

74. The Commissioners shall receive and be paid such salary as the Sessions may from time to time determine and allow, not exceeding fifteen per cent. of the amount ordered to be assessed for Highway purposes as aforesaid; such salary shall be paid by the Board quarterly and shall be a first charge upon the moneys at the disposal of the Board; and in addition to the other duties required of the Commissioner, it shall be expressly his duty to collect information for the Assessors, and more particularly to make due inquiry and report to them all persons coming into the Parish and liable to poll tax only.

75. Subject to the directions of the Board, the Commissioner shall do or cause to be done in the best manner possible, and shall superintend all work necessary for the making and repairing of highways, but neither the Commissioner nor any member of the Board shall take or be interested in any contract for any such work.

76. In the expenditure of the moneys at the disposal of the Board, due regard shall be had to the more thinly populated districts.

77. For the purpose of breaking roads blocked up with snow during the winter, it shall and may be lawful for the Board to appoint such Districts and such Road Masters therefor, and upon such terms as to remuneration, not exceeding the amount of their respective rates for Highway purposes as aforesaid, as they may deem necessary; and it shall be the duty of each such Road Master, within his District, to summon either verbally or by written notice, and turn out so many of the inhabitants of his District with such horses or teams, and sleds or sleighs, to break and clear the roads of his District from time to time as the said Road Master may find necessary, and all persons so summoned shall be subject to the same obligation and liable to the same penalties as if they had been summoned by the Surveyor of Roads under Part I; and any Road Master who, upon the request of any ratepayer, shall not discharge his duty in summoning the inhabitants under this Section shall, upon proof of such request and refusal, and of the necessity for his action, be liable to a penalty of eight dollars for each offence.

78. Any person summoned, and not attending in person or by a substitute approved by the Road Master, or attending and refusing or neglecting to work as required, shall be liable to a fine for such neglect or refusal not exceeding three dollars.

79. It shall be the duty of any Commissioner to have any road over any river, lake, or marsh, or any other road which may require it for use in winter, duly marked with bushes and staked out, and to pay for the labour required for the same in the same manner as for making or repairing highways; and any person who shall wilfully cut or take down or destroy any bushes or stakes so erected, shall be liable to a penalty not exceeding five dollars therefor.

80. In case of moneys being required by any Board in the early part of the season, before the ordinary rates and taxes are collected and paid in, the Sessions, on the application of such Board, may, if it be deemed