

expedient, order such advances as may be required to be made to such Board by the County Treasurer, out of any funds in his hands at the disposal of the Sessions; the same to be repaid by the County Treasurer without further order, to the funds from which the same may be taken, out of the first moneys subsequently paid in to the credit of such Board; provided nevertheless, that no such advance shall be made out of funds advanced by the Government for County School purposes, nor out of funds directed to be appropriated in a certain manner by order of the Governor in Council

81. Each Commissioner shall account to the Board from time to time as required by them, upon oath; and the Board shall annually, prior to the General Quarter Sessions in December, file in the Office of the Clerk of the Peace for the said City and County of Saint John, a detailed statement upon oath of all moneys received and expended by them during the preceding year, shewing in such statement the names of persons to whom any moneys shall have been paid. Any balance in the hands of the County Treasurer at the close of the year shall be by him carried to the credit of the Board for the next ensuing year, without any order to that effect.

82. Each Commissioner shall within ten days after his appointment, execute a bond to the Queen, with two sufficient sureties, to be approved by the Board, in a sum to be fixed by the Sessions, well and faithfully to discharge the duties of his office, and duly to account to the Board or Sessions for all moneys received by him; such bonds shall remain in force from year to year so long as such Commissioner shall retain office, unless otherwise ordered by the Sessions, who may require a new bond to be given every year if they deem it necessary.

83. Should any Commissioner neglect or refuse to execute a bond or to account as required by this Part, or to obey any order of the Board made in accordance with Law, the Board may remove such Commissioner from office, and in such case, or in case of a vacancy in the office of Commissioner occurring from any other cause, the Board may appoint some other fit and proper person for the remainder of the year; and vacancies in the office of Commissioners shall not be filled up by two Justices, any law or custom to the contrary notwithstanding.

84. No Commissioner in default for public moneys, or neglecting or refusing to render proper accounts, or to obey any order of the Board, shall be eligible for reappointment until he shall have paid up in full the moneys in arrear, or otherwise complied with the law or any order of the Board duly made concerning him.

85. If application shall be made to the Commissioners in writing by three or more freeholders, to lay out, widen, alter or extend any public highway over any lands, and if the owner or owners of such lands shall not consent thereto, such Commissioners shall, with the approval of the Board, apply to a Justice of the Peace for a warrant, who is hereby required to grant the same directed to the Sheriff, Deputy Sheriff, or any Constable within the County, commanding him to summon five disinterested freeholders of the County, not resident in the Parish within which such road is proposed, at a certain time to be named in such warrant, to examine the proposed road, alteration or extension so applied for, the said Commissioner to be present at the same time; and if the said jury, who are to be sworn by any Justice of the Peace, find that any such road, alteration, widening or extension is necessary, the said Commissioner shall lay out the same immediately, after which the jury shall be duly sworn to assess the damages, and shall forthwith proceed to assess the same, and the said jury in their assessment of damages shall take into consideration the benefit (if any) to the owner of such lands by the laying out, widening or alteration of such road.

86. If the Board shall deem it necessary to lay out any highway over any lands, and the owner or owners consent in writing that such highway may be laid out and opened, the Commissioner, upon the order of the Board in writing, may proceed to lay out and open the same; and such consent and order in writing shall be filed by the said Commissioner with the return of such highway.

87. If application be made to a Commissioner for a private road, he shall view the same, and upon the written consent of the owner of the land, and with the approval of the Board, may lay out the road; if the

owner object, a jury shall be summoned, as hereinbefore directed, at the instance of the Commissioner or party or parties interested, which jury shall determine as to the necessity of the road, and if deemed necessary, and the parties disagree as to the damages, the jury shall proceed to assess the same, and when assessed, the amount shall be paid to the owner or owners of the land through which the road passes, before such road be opened for use, unless such owner consent in writing to open the same; the expenses of laying out the road shall in the first place be paid by the applicant, and no such private road shall be laid out more than two rods wide, against the consent of the owner of the land through which it passes; provided that no buildings shall be erected within two rods of the centre of any road so laid out.

88. When any alteration shall be made in any road or highway under this Part, the Board may order the road or portion of road abandoned, or intended so to be, to be closed up and properly fenced by the proprietor or proprietors on either side thereof; provided that the closing up of such road shall not cut off any such proprietor from access to the new road or other public highway. In assessing damages for any alteration of a road, the jury shall take into consideration the value of the land which shall thereby revert to any proprietors affected by such alteration.

89. The piece or portion of road or highway so ordered to be closed up shall not thereafter be considered public, but no road or highway shall be so closed up or fenced until the new road shall be good and passable. The Commissioner shall have power and authority to enter upon and open any new road to be opened under this Part, and to remove therefrom any obstructions which he may deem necessary to have removed.

90. The Justice issuing a summons and presiding at an investigation by a jury, shall receive two dollars; each juror summoned and attending, shall receive one dollar; and the officer for summoning, shall receive one dollar; the sum necessary to meet such expenses shall be paid by the parties applying for the road, previous to the issuing of the warrant; the Commissioner shall pay the Justice, officers, jurors, and witnesses, the before named fees; and in every case of investigation of a public road, if the jury find such road necessary, all such expenses, with the amount of the assessment for damages as aforesaid, shall be laid by the said Commissioner before the next General Sessions.

91. The Sessions, when such assessment for 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 other County rates, and paid by order of the Sessions to the parties entitled.

92. If the Board shall consider the proposed opening, widening or other alteration of any highway unnecessary or objectionable, or that the damages assessed by any such jury are insufficient or excessive, they may direct the Commissioner to take no further steps for laying out, or recording, or opening the same, until the objections made by them can be referred to the Sessions.

93. Should the Board thus suspend proceedings in relation to the opening, widening or alteration of a road, they shall report their so doing, with the reasons therefor, in writing, to the next General Sessions; and the Sessions may examine into the same, and make such order as to the Justices shall seem meet in the premises.

94. The Commissioner shall carefully mark out all the roads laid out, altered or extended under his directions, designating their width either by a line of stakes on each side, or by one line of stakes in the centre of the same, clearly marking out the place of beginning and the place of ending; and shall set forth in writing the width, marks, bounds and lines of all such roads as have been laid out, widened, altered, extended, or shut up, and within three months thereafter make return thereof to the Clerk of the Peace, who shall enter the same in a book to be kept for that purpose.

95. Whoever shall have altered, encroached on, obstructed, or encumbered, or shall hereafter alter, encroach on, obstruct or encumber any highway, or shall dig or make any hole or excavation therein, or