

Passed 23rd April 1862.

WHEREAS it has been deemed expedient to increase the amount for which a loan is authorized to be effected by the Governor in Council in and by an Act passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Savings Banks and other Provincial liabilities*;—

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

1. The amount for which a loan is authorized to be effected by the Governor in Council in and by the first Section of the said recited Act, is hereby increased to the sum of five hundred thousand dollars.

2. The whole of the money so to be loaned shall be raised and appropriated as directed in and by the said recited Act, and shall be subject to all the provisions thereof.

CAP. XV.

An Act to provide for the repair and improvement of Roads and Bridges, and other Public Works and Services.

Section.

1. Moneys granted.
2. By whom and how to be expended and accounted for.
3. Accounts by Municipal Commissioners.
4. Money how to be drawn.
5. Compensation to Commissioners.

Section.

6. Money when to be expended; and
7. On what roads.
8. Bonds to be given.
9. If Commissioner a defaulter, Governor in Council may appoint.
10. Vacancy, how to be filled.

Passed 23rd April 1862.

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

1. There shall be granted to His Excellency the Lieutenant Governor, the sum of money hereinafter mentioned, to provide for the improvement of the Roads and Bridges, and other Public Works and Services:—

A sum not exceeding one hundred and sixteen thousand dollars to provide for the repairs of the Great and Bye Roads of the Province, and for Bridges thereon, for the repairs and extension of the Public Buildings, and for Steam Navigation.

2. The said sum of money, and every part thereof, shall be expended under the direction of the Board of Works, and of such Supervisors and Commissioners as the Governor in

Council may appoint, and shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the several Roads, Bridges, and Works, or in furnishing materials therefor, at the most reasonable rate that such labour and materials can be provided, where such sums are expended on Roads, Bridges, or Works; and every Commissioner so to be appointed shall, as early in the season as may be, carefully examine the part of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making and repairing of the same may be let by auction to the lowest bidder; and in all such cases such Commissioners respectively are hereby required to put a sufficient number of notices, not less than ten days previous to such sale, in three or more of the public places in the neighbourhood where the work is to be done, which notices shall specify and describe the work to be performed, and also the place, day and hour when and where the same will be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively, to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work in the time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of the Commissioners to agree with fit and proper persons to perform the same by days' labour, provided that in no case shall more than one quarter part of any grant be so expended; and the said Commissioners shall severally keep an exact account of such moneys, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers for such payment, and render an account thereof, in duplicate, upon oath—which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer; one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the office of the Clerk of the Peace in their respective Counties for public information.

3. The Commissioners appointed by the Municipalities of York, Carleton, and Sunbury, when any of the aforementioned sums of money appropriated for Roads and Bridges are issued to such Municipality, shall account for the moneys granted to the said Municipalities in the same manner as the Commissioners appointed by the Governor in Council.

4. The beforementioned sums of money shall be paid by the Treasurer out of the moneys in the Treasury, or as payment may be made at the same, by Warrant of the Governor in Council.

5. The said Commissioners entrusted with the expenditure of the several and respective sums of money shall, for their time and labour, be allowed to retain at and after the rate of five per centum out of the said money so entrusted to them respectively.

6. The said Commissioners for the expenditure of money on Roads and Bridges, shall expend the said several and respective sums of money on the Roads on or before the first day of September; provided always, that nothing herein contained shall extend or be construed to extend to prevent any Commissioner from expending moneys after the first day of September, when it shall be necessary to expend the same for building Bridges, removing rocks, stumps, trees, or other obstructions.

7. None of the beforementioned sums of money, or any part thereof, shall be laid out or expended on the making or improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.¹

8. Every person who may be appointed a Commissioner for the expenditure of money hereinbefore granted, before entering upon the duties of his office, shall enter into a Bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Governor in Council, for the due performing of his duty as such Commissioner, and the faithful expenditure of and due accounting for such moneys as shall come into his hands as such Commissioner.

9. Notwithstanding the provisions of any law in force for the election of Commissioners of Bye Roads, or otherwise, no person shall be appointed to expend any of the aforesaid

moneys who shall be a defaulter, or who shall not have fully accounted for the expenditure of any money previously entrusted to him, until he shall have satisfactorily accounted therefor; and in case of the election of any such person, the Governor in Council shall appoint Commissioners in the same manner as if no election had taken place.

10. That in case of a vacancy by death of any Commissioner elected to expend money on the Bye Roads, the Governor in Council shall appoint a Commissioner to fill such vacancy.

CAP. XVI.

An Act in amendment and consolidation of the Laws relating to Highways.

Section.

1. Acts 18 V. c. 18, 21 V. c. 30, 22 V. c. 14, and 23 V. c. 45, repealed.
2. Division of Parishes into Districts; Commissioners and Surveyors assigned to each.
3. Commissioners to lay out Highways; alteration and extension, how made.
4. Unless owner consent, damages to be paid before road opened.
5. Consent to be filed with return.
6. Alteration of roads. Jury to value old road in diminution of damages.
7. Private roads, how laid out.
8. Public roads, width of.
9. Roads on which public money expended,—public highways.
10. When Commissioners may direct old roads to be stopped up after alteration.
11. Roads to be marked out with stakes, and return made to and recorded by Clerk of the Peace; penalty for neglect.
12. Penalty for obstructing, &c. any public road; application of same, and mode of recovery.
13. Fees to Justices, Jurors, &c., how paid; assessment, how disposed of.
14. General Sessions to issue Warrant of Assessment; mode of assessment and payment.
15. Scale of statute labour, how performed and by whom, and who exempted.
16. Estates of females and minors, how assessed and paid.
17. Assessment upon females and minors not paid, how recovered.
18. Assessment list to be published. Sub-districts and number of Surveyors.
19. Money may be paid in lieu of labour, and expended on Roads and Bridges.

Section.

20. Mode of summoning inhabitants to perform statute labour. Carts, ploughs, horses, &c. to be furnished.
21. Surveyor shall make return on oath of persons liable to work, and of delinquents.
22. Names of persons liable to perform statute labour, when required, shall be given by the parties with whom they reside or are employed; penalty for neglect, and recovery.
23. Proceedings against delinquents, and application of proceeds.
24. Waggon and teams to be furnished when required; penalty.
25. Obstructions, removal of, by inhabitants, and repairing Roads and Bridges during interval; penalty for non-attendance, and recovery.
26. Inhabitants to be summoned after snow storm to cut bushes and mark ways; penalty for refusing.
27. Ways to be marked with green bushes four rods apart; teams to be furnished; penalty for refusing.
28. Destroying bushes, penalty and application.
29. Persons liable to statute labour to be summoned to break roads with teams in addition to statute labour; penalty for not attending.
30. Statute labour may be applied to secure River bank in certain parts of Sunbury and Queen's.
31. To be performed when most practicable, and returns made.
32. Powers of Commissioners under this Act to extend to Great Roads, but not to alterations.
33. Commissioners to make returns with vouchers, and pay balances; not accounting, proceedings to be taken by County Treasurer.