

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1831. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 44

An Act further to amend the Acts relative to Streets and Highways in the City and County of Saint John. Passed 31st March 1831.

Whereas the Inhabitants and Residents of the City and County of Saint John are by Law liable to perform an equal Number of Days' Labour on the Roads and Bridges in and throughout the said City and County as other Inhabitants of the Province in their respective Parishes: And Whereas by an Act passed during the present Session, intituled An Act to repeal all the Laws now in Force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province; and to make more effectual Provision for the same, all the former Laws relative to Highways throughout the Province (the City and County of Saint John excepted) are repealed, and several of the Provisions which were contained in the same consolidated in the new Act, and various Alterations made in the Apportionment of Labour: And Whereas in and by the Thirtieth Section of the said Act it is declared that nothing therein contained should extend or be construed to interfere with the Rights and Powers granted by Charter to the Mayor, Aldermen and Commonalty of the City of Saint John; And Whereas it is necessary to make Regulations for the Assessment of Labour within the County of Saint John, and Doubts may arise as to the Extension of the new Scale of Labour to the said County:

I. Be it enacted and declared by the President, Council, and Assembly, That the male Inhabitants of the County of Saint John shall be liable to perform Labour on the Highways to the same Extent, and under the same Regulations as are provided in and by the Sixth Section of the said recited Act; saving nevertheless the Rights granted by the said Charter of Saint John to the Mayor, Aldermen and Commonalty, and subject to the Regulations in and by this Act provided.

II. And Whereas in order to carry into Effect the said Act it may be necessary that Commissioners should be appointed to assess the Number of Days' Work on the several Inhabitants; Be it therefore enacted, that it shall and may be lawful for the said Mayor, Aldermen and Commonalty, and they are hereby authorized and required, to nominate and appoint Three or more fit Persons to be Commissioners of Highways in each of the Parishes of Portland, Lancaster and Saint Martins respectively, who shall be sworn to the Discharge of their Duty, and shall be vested with the like Power, and discharge the like Duties, and be subject to the same Penalties for Neglect or Refusal, as the Commissioners of Highways in the other Towns or Parishes in the Province: Provided always, that no Highway shall be altered or new Road laid out, except by the Mayor, Aldermen and Commonalty, as is directed in and by the said Charter: And Provided also, that the said Mayor, Aldermen and Commonalty shall and may have Power to direct the particular Roads or Places where the Statute Labour shall be performed, within the Distance of Five Miles from the City Bounds.

III. And be it further enacted and declared, That the Money to be paid as Commutation, in lieu of Labour shall be at and after the Rate of Two Shillings and Sixpence per Day, as well in the City as the County of Saint John.

IV. And be it further enacted, That it shall be the Duty of the Assessors of Rates for the City of Saint John, on or before the First Day of May in each Year, to make the Assessment of Statute Labour on the Freemen and Inhabitants of the said City, according to the Scale herein after mentioned, if required so to do by the said Mayor, Aldermen and Commonalty; or the said Mayor, Aldermen and Commonalty may, if they think lit, nominate and appoint Three or more fit Persons to be Assessors for that Purpose, who shall be duly sworn to the Discharge of their Duty, and liable to the like Penalties for Refusal to act, or Neglect of Duty, as other Assessors.

V. And be it further enacted, That all Free men and other male Inhabitants of the said City of the Age of Sixteen Years and upwards, shall perform Labour on the Streets and Highways at and after the following Rates; that is to say, Hired Servants, Common Labourers, Licensed Schoolmasters, Apprentices and other Persons under the Age of Twenty one Years , Two Days; Journeymen Mechanics, and other Persons whose whole Property; real and personal, may not exceed One hundred Pounds, Three Days; all Persons whose real and personal Property may exceed One hundred Pound, and not exceeding Two hundred and fifty Pounds, Four Days; exceeding Two hundred and fifty and not exceeding Four Hundred Pounds, Five Days; exceeding Four hundred and not exceeding Seven hundred and fifty Pounds, Six Days; exceeding Seven hundred and fifty and not exceeding One thousand Pounds, Seven Days; exceeding One thousand and not exceeding Two thousand Pounds, Eight Days; exceeding Two thousand and not exceeding Five thousand Pounds, and whose yearly Income, from whatever Source arising, exceeds Three hundred Pounds, Ten Days; exceeding Five thousand, or whose yearly Income exceeds Five hundred Pounds, Twelve Days; and all other male Inhabitants of the Age of Twenty one Years who may not be included in any of the foregoing Description of Persons, Four Days; Provided always, that upon Application to the Mayor, Recorder and Aldermen of the said City, or any Two of them, they shall and may, at their Discretion, lessen the Number of Days' Work to be performed by any poor or indigent Person.

VI. And be it further enacted, That in case any Person in the City of Saint John shall deem himself aggrieved by any Assessment made under this Act, it shall and may be lawful for him to appeal to the Common Council of the said City, who shall examine into the Merits of the said Appeal, and whose Decision shall be final; provided that a Memorandum of every such Appeal shall be entered in the Common Clerk's Office, within Five Days after the Appellant shall have received Notice of the said Assessment, with an Affidavit annexed in the Form following, or to that Effect:

I, _____, Resident in _____ Ward of the City of Saint John, do make Oath that all the Property, real and personal, owned by me, or by any other Person in Trust for me, or for my Use, whatsoever and wheresoever, does not exceed _____ in Value, and that my yearly Income does not exceed _____.

Sworn the _____ Day of _____ 183____, before _____
Justice of the Peace.

And in case the Appeal be allowed, the Rate shall be amended accordingly; and the Common Council may in their Discretion direct the Surveyor for the District to repay, out of the Monies collected by him, the Amount of Overcharge, or to make Allowance therefor in the Labour of the next Year, in case the said Appellant should have performed the whole Labour assessed prior to hearing the Appeal; and all Appeals from the other Parts of the County shall be made to the General Sessions, as directed by the said Act of the present Session.

VII. And be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty to make such Bye Laws, Rules and Regulations relative to the Statute Labour without the said City, or to be performed by the Freemen of the said City, as they may think fit, not contrary to or inconsistent with the Provisions of this or any other Act of Assembly relative to the same.

VIII. And be it further enacted, That this Act shall continue and be in Force until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty three.