

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1833.* Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1833.

3 William IV – Chapter 13

**An Act to provide for more effectually repairing the Streets and Bridges in the City of Saint John. Passed 19th March 1833.**

Whereas the Mayor, Aldermen and Commonalty of the City of Saint John, by the Charter of the said City ratified by an Act of the General Assembly, are authorized and empowered to shake, lay out, alter, amend and repair the Streets, Highways and Bridges in and throughout the said City and the Vicinity thereof, and also beyond the Limits of the said City on either Side thereof throughout the County of Saint John: And Whereas in accordance with the Petition of the Mayor, Aldermen and Commonalty of the said City of Saint John, it is expedient that the Powers of the said Mayor, Aldermen and Commonalty of the said City respecting the Streets, Highways and Bridges as aforesaid, should not extend beyond the Limits of the said City: And Whereas it is just and equitable that the Freemen and Inhabitants of the said City should do and perform Days' Work as the other Inhabitants of the Province, for the Purpose of completing and amending the public Roads and Bridges of the said City;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Second Year of the Reign of His present Majesty, intituled *An Act further to continue the Acts relative to Streets and Highways in the City and County of Saint John*, be and the same is hereby repealed.

II. And be it enacted, That the Powers given in and by the Charter of the City of Saint John relative to the Streets, Highways and Bridges of the City and County of Saint John, shall not extend or be construed to extend to give the Mayor, Aldermen and Commonalty of the said City Authority to make, lay out, alter, amend and repair the said Streets, Highways and Bridges in and throughout any Part of the said County of Saint John; Provided that Nothing herein contained shall extend to alter or abridge the Powers of the said Mayor, Aldermen and Commonalty of the said City to make, lay out, alter, amend and repair the said Streets, Highways and Bridges in and throughout the Limits of the said City of Saint John, according to the Provisions of the Charter; and provided also that all Roads, Streets, and Highways heretofore laid out, and which are now used as such, and also all public, Bridges heretofore built and now used as such, shall be and the same are hereby deemed and established to be the public Roads, Streets, Highways and Bridges of the said City and County, and shall continue so to be until the same shall be altered by the proper Authorities.

III. And be it enacted, That all Freemen and other Male Inhabitants of the said City, of the Age of Sixteen Years and upwards, shall perform Labour on the Streets and Highways of the said City, at and after the following Rates; (that is to say,) Hired Servants, common Labourers, licensed School Masters, Apprentices, and other Persons under the Age of Twenty one Years, Two Days; Journeymen Mechanics, and other Persons not coming within the Description of Persons before

designated, 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 Pounds and not exceed Two hundred and fifty Pounds, Four Days; exceeding Two hundred and fifty Pounds and not exceeding Four hundred Pounds, Five Days; exceeding Four hundred Pounds and not exceeding Seven hundred and fifty Pounds, Six Days; exceeding Seven hundred and fifty Pounds and not exceeding One thousand Pounds, Seven Days; exceeding One thousand Pounds, Eight Days; exceeding Two thousand Pounds and not exceeding Five thousand Pounds, or whose yearly Income, from whatever Source arising, exceeds Three hundred Pounds, Twelve Days; exceeding Five thousand Pounds, or whose yearly Income exceeds Five hundred Pounds, Sixteen 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.

IV. And be it enacted, That it shall be the Duty of the Assessors of Rates for the City of Saint John, on or before the Tenth 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 before mentioned, if required so to do by the said Mayor, Aldermen and Commonalty; or the said Mayor, Aldermen and Commonalty may, if they think fit, 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 like Penalties for Refusal to act, or Neglect of Duty, as other Assessors in the said City.

V. And be it 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 Fifteen 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 \_\_\_\_\_, 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 \_\_\_\_\_ (or, in case of the Person appealing being among the First Class of Persons who are to pay but Two Days, the Affidavit shall be that he is a hired Servant, common Labourer, licensed School Master, Apprentice, or Person under the Age of Twenty one Years). 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 Collector or Collectors to repay, out of the Monies collected by him, the Amount overcharged, or to make Allowance therefor in the Labour of the next Year in case the Appellant should have performed the whole Labour assessed prior to hearing the Appeal.

VI. And be it enacted, That if any Person assessed for Statute Labour shall prefer paying Money to doing such Labour, it shall and may be lawful for the Collector or Collectors to be appointed by the Mayor, Aldermen and Commonalty, within the City of Saint John, to take and receive the same at and after the Rate of Two Shillings and Six Pence per Day, for each Day's Labour required to be done by such Person; and no Person whosoever shall be permitted to work by Substitute.

VII. And be it enacted, That the Mayor, Aldermen and Commonalty of the said City in Common Council convened, are hereby authorized and required, on the Third Tuesday in March, or within the next Four successive Days, in each and every Year, to appoint, by Warrant or Warrants under the Common Seal of the said City, One or more fit Person or Persons to be a Surveyor or Surveyors of the Highways for the said City, assigning to him or them in such Warrants the Limits of the District within and over which he or they shall exercise the Duties and Powers incident to his or their Office, both with respect to the Times and Places where the Work is to be performed and the Persons to be summoned to perform such Work; and in case of the Refusal of any such Person or Persons to accept of such Office, or in case of any Vacancy by Death or Removal, or other Incapacity of such Surveyor or Surveyors to perform the Duties of his or their Office, the said Mayor, Aldermen and Commonalty are authorized and required in like Manner to appoint another or others in his or their Place.

VIII. And be it enacted, That it shall be the Duty of the Common Clerk of the said City, immediately after the making of any Appointment as aforesaid, to deliver or transmit to the said Surveyor or Surveyors, so appointed, his or their Warrant or Warrants of Appointment; and that each and every Person so appointed shall, within Fourteen Days after receiving the same Warrant, be duly sworn to the faithful Performance of the Duties of his or their Office, before the Mayor, Recorder or either of the Aldermen of the said City, which Oath they are hereby severally authorized and required to administer, and to endorse a Certificate thereof upon each of the said Warrants of Appointment.

IX. And be it enacted, That each and every Person so to be appointed who shall neglect and refuse to accept of the Office of Surveyor as aforesaid, and to take the Oath herein before required within the Time limited as aforesaid, or shall neglect or refuse to do and perform any of the Duties herein required of him, shall for each and every Offence forfeit and pay the Sum of Three Pounds, to be recovered before any One of His Majesty's Justices of the Peace, by and in the Name of the Chamberlain of the said City, on the Oath of One or more credible Witness or Witnesses, or on Confession, and levied with Costs of Prosecution by Warrant of Distress and Sale of the Goods and Chattels of the Sender, and to be laid out on the Highways, Streets and Bridges of the said City.

X. And be it enacted, That it shall be the Duty of the several Surveyors of Highways within the said City, appointed by the Mayor, Aldermen and Commonalty as aforesaid, on or before the Fifteenth Day of May in each and every Year, to make out, and transmit to the Chamberlain of the said City, Lists of all Persons within their respective Districts who are by Law liable to work upon the Highways, Streets and Bridges, and after the Assessment List is handed to them, to summon the said Persons to work and superintend them, and from Time to Time, in each and every Year, to

render to the Collector or Collectors of Taxes for the said City, Lists of all Persons who may be Defaulters, and the said Collector or Collectors shall forthwith proceed to recover the Sums due from such Defaulters; and the said Surveyor or Surveyors, and Collector or Collectors, shall render to the Chamberlain of the said City all their Lists and Accounts in complete Order, on or before the First Day of December in each and every Year, under the Penalty, for every Default, of Ten Pounds.

XI. Provided always, and be it enacted, That whenever the said Mayor, Aldermen and Commonalty shall direct any Surveyor to work in a particular Part of, or any particular Place or Bridge within his District, or to take any Number of Persons belonging to his District out of such District into the next adjacent District, it shall be the Duty of the said Surveyor to attend to the same, and perform such Duty so required of him.

XII. And be it enacted, That the said Chamberlain of the said City shall keep an Account of the Monies received by him by virtue of this Act, separate and distinct from the Accounts of other Funds in his Hands, and obey all Orders of the Common Council of the said City for the Expenditure thereof; and on or before the First Day of April in each Year, shall make out an Account, with Vouchers, of all Monies received and paid by him as aforesaid, and lodge the same with the Clerk of the said Common Council, together with the Lists and Accounts which he may have received from the said Surveyors and Collectors, to be laid before the said Common Council.

XIII. And be it enacted, That every Person, when called upon by the Surveyor of any District within the said City, shall within Twenty four Hours give and render to the said Surveyor a particular Account and Statement, in Writing, containing the Names of all Persons who may be in his, her, or their Employ, or who may be resident in the House kept or occupied by such Person or Persons, and who may be liable to perform Labour on the Highways; such Statement to contain not only the Names of Persons belonging to his, her, or their Family, but also the Names of any Boarders, Lodgers and domestic Servants who may be liable as aforesaid; and if any such Person or Persons shall neglect or refuse to render such Account, when so called upon, or shall give or render a false or incorrect Account or Statement, he or she shall forfeit and pay the Sum of Five Pounds, to be sued for and recovered, by and in the Name of the Chamberlain of the said City, in the City Court of the City of Saint John, or before any One Justice of the Peace in and for the City and County of Saint John, for the use of the said Mayor, Aldermen and Commonalty, to be by them specially applied in making, altering, and repairing the Roads within the said City.

XIV. And be it enacted, That if any Person or Persons when so summoned to labour as aforesaid by the Surveyors of their respective Districts, shall neglect or refuse to appear agreeably to such Summons, he or they shall be taken to have made their Election to pay at and after the Rate of Two Shillings and Six Pence per Day, according to the Number of Days they may be assessed, and if he or they shall neglect or refuse to pay the same when required by the Collectors within the City, the same may be recovered by and in the Name of the Chamberlain of the said City for the Time being, before the City Court, or before any One Justice of the said City and County, and when recovered applied to the Use of the said Mayor, Aldermen and Commonalty, for the making, altering, and repairing the Roads within the said City; and if any Person who shall appear agreeably to such Summons, and being under the Directions of such Surveyor, shall refuse or neglect to

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work, or shall not work in such Manner as to satisfy such Surveyor, he is hereby empowered to dismiss such Person from the Work, and the Chamberlain shall proceed against him in the same Manner as herein before directed to be done against Persons neglecting to appear and labour after being duly summoned, to be recovered, used and applied as in the Case last aforesaid.