

*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 24

**An Act for the further Amendment of the Acts relative to the Great Roads of Communication. Passed 19th March 1833.**

Whereas Doubts have arisen upon the Construction of the Sixteenth Section of an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal all the Laws now in Force relating to the Establishment, Regulation and Improvement of the Great Roads of Communication through the Province, and to make more effectual Provision for the same*, which directs that the Five Freeholders who are to set and appraise the Value of any improved Lands through which any Alteration of a great Road may be required, shall be nominated and appointed by the nearest Justice of the Peace;

I. Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That when any Alteration in any of the great Roads is required to be carried through any improved Lands, and the Supervisor or Supervisors cannot agree with the Owner as to the Amount of the Value and Damages to be paid therefor, the Five disinterested Freeholders to set and appraise such Value and Damages may be nominated and appointed by any neighbouring disinterested Justice of the Peace of the County in which such Alteration lies, to whom Application may be made by the Supervisor for that Purpose; and that in case the Alteration lies on the Border of Two adjacent Counties, so as to extend into both, or to render it doubtful as to which of the Two Counties the said Alteration may be situate in, the Justice of the Peace and the said Freeholders may belong to either County, and the Proceedings had by them shall be as valid and effectual as any Proceedings which may now be had, under and by virtue of said recited Act, before Freeholders duly appointed by the nearest Justice.

II. And Whereas no Provision is made in the existing Acts for the Government of the Supervisor in the Disposal of the Money in Case of Tender and Refusal of the appraised Value and Damages occasioned by the Alteration in any great Road going through improved Lands;

Be it further enacted, that if the Person or Persons who may be found entitled thereto, and to whom such Tender may have been made, shall not apply for the same within the Space of Six calendar Months after such Tender, the Supervisor or Supervisors shall pay the same into the Province Treasury, to be disposed of under the Direction of the Legislature; and that the Treasurer or Deputy Treasurer to whom such Payment shall be made shall be accountable for the same, and shall give to such Supervisor or Supervisors a Receipt for the Amount so paid, which shall be a sufficient Discharge to such Supervisor or Supervisors for the same.

III. Provided always, and be it further enacted, That this Act shall not have any retrospective Operation.