

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1845. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1845.

8 Victoria – Chapter 76

An Act to amend and continue the Act to provide for the repair of the Streets and Highways in Fredericton. Passed 27th March 1845.

Whereas the sums required to be annually levied on part of the Parish of Fredericton, for the repair of the Streets and Highways, by the provisions of an Act made and passed in the sixth year of the Reign of Her present Majesty, intituled *An Act to provide for the repair of the Streets and Highways in Fredericton*, is deemed greater than is necessary in the present depressed state of Trade: And whereas the said Act requires amendment in other respects;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Justices of the General Sessions of the Peace for the County of York shall, at the annual Winter Sessions of the Peace for the County of York, to be holden for the said County, fix and determine the sum to be assessed for the repairing, improving and maintaining the Streets, Highways and Bridges the then ensuing year, upon that part of the Parish of Fredericton described in the first section of the above recited Act, and which sum so fixed and determined shall never exceed the sum of five hundred pounds, nor be less than the sum of three hundred pounds; and shall be levied, assessed, collected and laid out in all other respects subject to the conditions and agreeably to the provisions of the said recited Act, except when the same is by this Act altered: Provided always, that the assessment for this year shall be deemed legal, notwithstanding the sum to be levied shall not have been previously fixed and determined by the said General Sessions.

II. And be it enacted, That in future the Poll Tax shall be four shillings instead of the sum provided for by the said recited Act; and no Apprentice, Minor, or other person under the age of twenty one years, shall be chargeable with or liable to pay any Poll Tax.

III. And be it enacted, That notwithstanding the provisions in the said recited Act contained, for the annual re-appointment of a majority of the Commissioners of Highways for the Parish of Fredericton, the Justices of the General Sessions of the Peace for the County of York shall have all the power and authority they had or which was in them vested by any Law in force in this Province at the time of the passing the said recited Act, to remove and displace one or more of the Commissioners of Highways of the said Parish of Fredericton who may have been guilty of malpractice in office, upon such malpractice being made to appear, and proven to their satisfaction, and to appoint one or more Commissioner or Commissioners in the place and stead of such Commissioner or Commissioners so removed and displaced for being guilty of malpractice.

IV. And be it enacted, That from and after the passing of this Act the Commissioners of Highways for the Parish of Fredericton shall include their own names in the Road List, and assess themselves in the same manner as other inhabitants of Fredericton are assessed, and if the assessment of any

such Commissioner shall exceed the sum of one and a half per cent of the whole sum assessed, then such Commissioner shall pay such excess in the same manner and subject to the same provisions as any other person liable to assessment shall and is required to pay by the said recited Act: Provided always, that nothing herein contained shall be construed to extend to deprive any Commissioner of Highways from exemption from assessment for the Roads to the amount of a sum equal to one and a half per cent on the total amount assessed.

V. And be it enacted, That so much of the tenth section of the said recited Act as provides that where encroachments upon the Streets and Highways consist of dwelling houses or other erections of a permanent nature, the removal thereof shall not be compelled except in the case, of the destruction of such encroachments by fire, or the decay or the dilapidation thereof, be repealed, and notwithstanding anything in the said section contained, the Commissioners of Highways for the Parish of Fredericton, or the major part of them, shall have full power and authority to compel the removal of encroachments of every description from the Streets and Highways, whether such encroachments consist of dwelling houses or other erections.

VI. And be it enacted, That it shall be the duty of the Commissioners of Highways for the Parish of Fredericton, in all that part of the Parish of Fredericton affected by the said recited Act, during the Winter Season, to keep the Streets and Highways of the said Parish of Fredericton well and sufficiently broken, and cleared of snow, for the passage of teams, and during the Spring, Summer and Autumn to keep the Streets and Drains clear and free from obstruction.

VII. And be it enacted, That the Justices of the General Sessions of the Peace for the County of York shall have power and authority from time to time to make Rules and Regulations relating to the Promenades or Side Walks in the said Parish of Fredericton, for the purpose of promoting the cleanliness of the said Town and the comfort of the inhabitants, and such Rules and Regulations to alter, repeal or amend, and to substitute others in lieu thereof, and also to enforce the observance of such Rules and Regulations by such fines and penalties as they in their discretion may deem meet; provided that no greater penalty than ten shillings shall be imposed for any breach of such Rules or Regulations, which fines and penalties shall be sued for and recovered, with costs, in the manner provided in and by the fourteenth section of the said recited Act, and when collected, form part of the Fredericton Road Fund.

VIII. And be it enacted, That the Commissioners of Highways for the Parish of Fredericton, or the major part of them, shall have power and authority at any time after the Road List is made out, to add to such Road List the name or names of any person or persons whose name shall have been omitted, or who shall have come to reside in the said Parish after the Road List shall have been delivered to the Collector; provided that no Emigrant who shall have arrived within the year for which such Road Tax is made shall be included in the said Road List.

IX. And be it enacted, That so much of the twenty second section of the said recited Act as suspends the operation of the twenty second section of an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, 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 of this Province, and to make more effectual provision for the same, be and the same is hereby repealed so far as the same provides for the recovery of any penalty, together with all and every the provisions of the said recited Act in so far as the same are inconsistent or at variance with the provisions of this Act: Provided always, that the same shall continue in force in all other respects whatsoever.

X. And be it enacted, That this Act and the Act to which it is an amendment, except so much thereof as is hereby repealed, 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 fifty, and from thence to the end of the then next Session of the General Assembly.