

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1846. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1846.

9 Victoria – Chapter 40

An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock. Passed 11th April 1846.

Whereas the increase of population in Woodstock renders an improvement in the mode of providing for the repair of the Streets and Highways necessary;

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 Carleton, at the January Sessions of the Peace for the said County to be holden for said County in each and every year hereafter, or at any special Sessions to be holden after the passing of this Act for said County, shall fix and determine the sum to be assessed for the repairing, improving and maintaining the Streets, Highways and Bridges the then ensuing year, upon all that part of the Parish of Woodstock, commencing on the northerly side of Lane's Creek, (so called) in said Parish, thence running southerly along the River Saint John to the lower side of Upham's Creek, (so called) and extending westerly or back from said River one mile; and which sum so fixed and determined shall not exceed the sum of two hundred pounds nor be less than the sum of sixty pounds, and shall be levied and assessed by an equal rate of five shillings upon the poll of all the male inhabitants within that part of the said Parish of the age of twenty one years and upwards, not being paupers or exempts as hereinafter mentioned, and by a rate in just and equal proportions upon the real property situate in that part of the said Parish, and upon the personal property and incomes of the inhabitants thereof; which sum shall be assessed and laid out by the Commissioners of Highways for the said Parish of Woodstock, in improving, repairing and maintaining the Streets, Highways and Bridges in that part of the said Parish above described, according to the best skill and discretion of the said Commissioners, or the major part of them, subject to the provisions of this Act; and which sum of money so levied and assessed shall be denominated the Woodstock Road Fund.

II. And be it enacted, That it shall be the duty of the Clerk of the Peace for the County of Carleton, within ten days after the order for assessment as aforesaid shall have been made by the said General Sessions of the Peace, to notify the Commissioners of Highways for the said Parish of Woodstock of the same having been made, and the amount thereof; and upon the receipt of such notice, it shall be the duty of the said Commissioners of Highways, or the major part of them, to meet at such times and places as they may agree upon, and without delay make out a Road List for that part of the said Parish above described, with columns therein, the first or left hand column to contain the names of such persons as are rateable within the Parish, both resident and non-resident, the second column to contain the amount of the Poll Tax of five shillings to be paid by each inhabitant, the third column to contain the amount of real property within that part of the Parish of Woodstock above described owned by each inhabitant, the fourth column to contain the amount of the personal property of each inhabitant, the fifth column to contain the real estate of

non-residents, the sixth column to contain the annual income of such inhabitants, from whatsoever source derived, except from real or personal property situate in that part of the said Parish above described, and taxable under this Act, the seventh column to contain twenty per cent, of the above mentioned value of real and personal Estates, the eighth column the sums so reduced to twenty per cent, and the said sums of annual income; and when any inhabitant has both annual income and twenty per cent, of the value of property set opposite his name in the said sixth and seventh columns, such sums shall be added together and set in the eighth column; and the amount so to be assessed, after deducting the whole amount of Poll Tax therefrom, shall be apportioned among the several persons so named, in exact proportions to the sum in the eighth column set opposite to their respective names; the ninth and last column shall contain the several sums so apportioned, with the addition of the Poll Tax, and shall be denominated Total Road Tax, and shall be in the following form, that is to say:

Road List for all that part of the Parish of Woodstock commencing on the northerly side of Lane's Creek, so called, in said Parish, thence southerly along the River Saint John to the lower side of Upham's Creek, in said Parish, so called, and extending westerly, or back from said River, one mile.

Names of Persons	Poll Tax	Real Estate of Inhabitants	Personal Estate of Inhabitants	Real Estate of Non-Residents	Annual Income	20 per cent. of value of property	Amount to be taxed	Total Road Tax
A.B.	5s.	500	100			120	120	£1 9 0
C.D	5s.	500	100		100	120	220	2 9 0
E.F.	5s.			500		100	100	1 5 0
G.H.	5s.				100		100	1 5 0
I.K.	5s.							0 5 0

And the said Commissioners, or the major part of them, shall on or before the fifteenth day of May in each and every year, deliver the same to the Collector of the Road Tax, signed by them, endorsing thereon a Precept under their hands, or the hands of the major part of them, in the form following, that is to say:

To A. B., Collector of Road Tax for Woodstock.

You are hereby required forthwith to collect from the several persons named in the annexed Road List, the sums set against their names respectively, under the last column thereof, entitled Total Road Tax, and to pay the same when collected into our hands.

Given under our hands the ____ day of _____ A. D. _____

And the said Commissioners shall have power and authority at any time after the said Road List is made out, to add thereto the name or names of any person or persons whose names 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.

III. And be it enacted, That any person liable to be assessed for the purposes mentioned in this Act may, at any time before the Road List is made out, furnish the Commissioners with an account

in writing of the value of his real or personal property or income liable to be assessed under this Act, deducting therefrom his just debts, duly verified upon oath before one of Her Majesty's Justices of the Peace, upon which it shall be the duty of the Commissioners to value such property at the sum specified in such account, and no more.

IV. And be it enacted, That the Commissioners of Roads for the Parish of Woodstock, or the major part of them, shall appoint one of the Surveyors for the said Parish, or any other fit and suitable person, a Collector of Road Tax for that part of the said Parish above described, and insert his name in the Precept mentioned in the second section of this Act; and in case of his death, resignation or removal from office, to appoint another in his stead, and so from time to time as a vacancy may occur; and in case of such subsequent appointment, to endorse on the said Writ a Precept in manner aforementioned, authorizing such new Collector to collect the said Road Tax or to complete the collection thereof previously commenced.

V. And be it enacted, That any person thinking himself aggrieved and overrated in the said Road List, or thinking himself not liable to taxation within that part of the said Parish affected by this Act, may appeal to the Justices of the Peace for the County of Carleton, at their next General Sessions after he shall have had notice of the said assessment, and the Justices shall examine into the said appeal, and if the said Justices shall be satisfied the appellant hath been assessed too high, or is not liable to taxation as aforesaid, they may give such relief as they may think just, by allowing the appellant such sum as he may be over-rated out of the Road Tax for the next year, or such other relief as they may deem just: provided always, that no such appeal shall be heard unless the appellant shall within one month after he has received notice of said assessment, file an affidavit in the Office of the Clerk of the Peace for the County of Carleton, particularly specifying the real and personal property and income liable to taxation under this Act, and give notice thereof to the said Commissioners, or some one of them, in writing.

VI. And be it enacted, That the Collector appointed in manner aforesaid shall proceed to collect the Road Tax assessed under this Act in the same manner and subject to the same provisions in all respects as the Collectors of County and Parish Rates are authorized and empowered so to do by the seventh and eighth sections of an Act made and passed in the first year of the Reign of Her present Majesty, intituled *An Act to provide for the better assessment of County and Parish Rates*, and shall be allowed by the said Commissioners of Highways, or the major part of them, such compensation for his trouble, not exceeding four per cent, as they may see fit.

VII. And be it enacted, That the Commissioners of Highways for the Parish of Woodstock, regularly ordained or licensed Clergymen of any denomination of Christians whatever, not having property or income for which they are liable to be assessed under the provisions of this Act, other than the annual salary or stipend they may receive from their Parish or spiritual charge, Emigrants who have arrived in the Province within the year for which the assessment is made, and regularly appointed Firemen, shall be exempt from taxation under this Act: provided always, that the Commissioners, or the major part of them, shall with the assent of two Justices of the Peace for the County of Carleton, remit either in the whole or in part the payment of the Road Tax levied under this Act, from any infirm or indigent persons, as they in their discretion may deem just and

proper: provided always, that no person shall be exempted from taxation under this Act by reason of his having performed Statute Labour in any other Parish or District in this Province.

VIII. And be it enacted, That all books, papers, writings, and accounts, and all materials, tools and implements which shall be provided in pursuance of this Act for repairing and improving the Streets, Highways or Bridges in that part of the Parish of Woodstock above described, and also the Streets, Highways and Bridges therein, and all stones, quarries and standing trees therein, shall be vested in the Commissioners of the said Parish for the time being, and they, or the major part of them, shall and may bring and prosecute any suit or proceeding at law or in equity, in their own name, as for their own property, for any infringement or injury thereto, incumbrance thereon, or any interference therewith, by any person or persons, whereby the public may sustain any detriment; and such suit, prosecution or proceeding, shall and may be brought and prosecuted in the names of the Commissioners of Highways for the Parish of Woodstock, without mentioning their individual names, and may be continued and prosecuted by their successors in office, notwithstanding a change in the persons of the said Commissioners; and all action and rights of action shall inure to the said Commissioners; and in any such suit or proceedings, any inhabitant of the said Parish shall be deemed a competent witness, notwithstanding his liability to taxation under this Act.

IX. And be it enacted, That the said Commissioners, or the major part of them, shall and may, in their discretion, survey the Town Plat of Woodstock, and such other parts of the said Parish above described, as they may deem advisable, and procure a proper plan of such survey for the use of the Commissioners for the time being, the expense of which survey and plan to be defrayed out of the Woodstock Road Fund; and it shall be the duty of the said Commissioners, or the major part of them, and they are hereby authorized and empowered to cause to be removed all encroachments of any description, whether such encroachments consist of dwelling houses or other erection of a permanent nature, from the said Streets or Highways, in order that the said Streets and Highways may be restored to a proper width.

X. And be it enacted, That it shall be the duty of the Commissioners of Highways for the Parish of Woodstock, in all that part of the said Parish affected by this Act, during the Winter season, to keep the Streets and Highways therein 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 cleared and free from obstruction.

XI. And be it enacted, That all Contracts or expenses incurred for repairing or improving the said Streets, Highways or Bridges by the Commissioners for the time being, or the major part of them, shall be binding upon their successors in office as fully and effectually, to all intents and purposes, as if such Contracts were made or expenses incurred by the said Commissioners, and they shall pay such expenses and discharge such Contracts out of the first monies which shall come into their hands after such Contract or expenses fall due.

XII. And be it enacted, That every person or persons who shall at any time between the fifteenth day of March and twenty fifth day of November, in each and every year, draw, haul or drag any

house or building whatever, on or along any part of the said Streets or Highways in that part of the Parish of Woodstock affected by this Act, shall, for each and every offence, forfeit and pay a sum of not less than one pound nor exceeding ten pounds, in the discretion of the Justice before whom such offender shall be prosecuted; and any person or persons who shall, within the said period of time, drag or haul on or along any of the Streets or Highways aforesaid, any log, boards, timber, scantling, or drag, or other thing whatever, without securing the same from touching the said Streets or Highways, shall, for each and every offence, forfeit and pay a sum of not less than five shillings, nor exceeding twenty shillings, in the discretion of the Justice before whom the offender shall be prosecuted; which penalties, with costs of suit, shall and may be recovered before any one Justice of the Peace for said County of Carleton, upon the oath of one or more credible witness or witnesses, and levied by Warrant directed to any Constable of the said Parish, by distraining the goods and chattels of the offender or offenders, and when no such effects can be found, to commit the offender or offenders to the Common Gaol of the County of Carleton, for a period of time not exceeding one day for every ten shillings of the said penalty.

XIII. And be it enacted, That the Justices of the General Sessions of the Peace for the County of Carleton shall have power and authority from time to time to make rules and regulations relating to the Side Walks in the said Parish of Woodstock, for the purpose of promoting the cleanliness of the said Town, and the comfort of its inhabitants, and such rules and regulations to alter, repeal, and amend, and to substitute others in lieu thereof, and to enforce the observance of such rules and regulations by such fines and penalties as in their discretion they may deem meet; provided that no greater penalty than ten shillings shall be imposed for any breach of such rules or regulations, which fines shall be sued for and recovered, with costs, in manner provided for by the twelfth section of this Act.

XIV. And be it enacted, That whenever any person or persons whatever shall place or cause to be placed upon any of the Streets or Highways or Bridges aforesaid, any logs, timber, boards, wood, scantling, sleds, carts, carriages, waggon, sleighs, dirt, manure, or any rubbish of any kind, or any obstruction or incumbrance whatever, and shall refuse upon request being made by any inhabitant of that part of the said Parish affected by the said Act, to remove the same from off the said Streets or Highways, the said person or persons shall upon every such refusal be liable to a penalty of not less than ten shillings, and not exceeding forty shillings, to be recovered with costs in the manner provided by the twelfth section of this Act.

XV. And be it enacted, That the Commissioners shall have power and authority from time to time to appropriate such sums from the monies levied and assessed under this Act, for the improvement and protection of the Public Landings and Banks of the River Saint John, in that part of the said Parish above described, as they may deem absolutely necessary for the improvement or preservation thereof, when such Landings or Banks are not within the limits of any Highway or Street.

XVI. And be it enacted, That the Commissioners of Highways for the said Parish of Woodstock, or the major part of them, shall on or before the last day of December in each and every year, file with the Clerk of the Peace for the County of Carleton, a correct copy or duplicate of the Road List,

or the original Road List, with a correct account of all the monies they may have received or expended, specifying the mode of expenditure, with vouchers, and a statement of the balance in hand, if any; also a list of the persons excused, and the cause thereof; a statement of any contract made for work not then performed, with the amount due the contractors; with such other information and statements as will enable their successors in office to ascertain the true state of their engagements and liabilities, in order that the same may be audited in the same manner as other County or Parish Accounts; and should any monies remain in hand, the same shall be paid their to successes in office.

XVII. And be it enacted, That a majority of the Commissioners of Highways for the said Parish of Woodstock in office at the end of the year for which they shall be appointed, shall be annually re-appointed; provided however that the Justices of the Peace for the said County of Carleton shall have all the power which is ever vested in them by any Law now in force in this Province, to remove and displace one or more of the said Commissioners who may be guilty of any malpractice in their office, upon the same being made to appear and proven to their satisfaction, and to appoint one or more Commissioners in the place and stead of such Commissioner or Commissioners so removed and displaced.

XVIII. And be it enacted, That in the construction of this Act, the terms 'Real Estate' and 'Real Property' shall be construed to include land and any building or other thing erected on or affixed to land, and any term or terms for years in land; and the terms 'Personal Property' and 'Personal Estate' shall be construed to include all goods, chattels, monies and effects, and all debts due from solvent debtors, whether on account, contract, promissory note, bond, mortgage, specialty, judgment, and all public stocks or sureties, and all stocks or shares in joint stock banking or insurance companies: provided always, that nothing herein contained shall extend to render liable to taxation under this Act the real or personal property of any religious, literary, or charitable corporation, society or institution, or of any joint stock banking or insurance company carrying on business in that part of the Parish of Woodstock above described.

XIX. And be it enacted, That all Contracts for repairing or improving the Roads, Highways and Bridges in that part of the Parish of Woodstock affected by this Act, shall be made by public competition after ten days public notice of the making of such Contracts shall have been given by the Commissioners or the major part of them.

XX. And be it enacted, That the operation of the third, seventeenth, eighteenth, nineteenth, twentieth, twenty first, twenty second, twenty third, twenty fourth, twenty fifth, twenty sixth, twenty seventh, twenty eighth, thirty first, thirty fourth, thirty fifth, and thirty sixth sections 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 in this Province, and to make more effectual provision for the same*, and also the operation of the first, second, third and sixth sections of an Act made and passed in the sixth year of the Reign of His said Majesty, intituled *An Act in amendment of the Act relating to Highways, and all other provisions of the said recited Acts*, so far as they are inconsistent with the

provisions of this Act, be and they are hereby suspended in that part of the Parish of Woodstock affected by this Act during the continuance of this Act, except so much of the twenty second section of the said Act passed in the fifth year of the Reign of His late Majesty King William the Fourth as provides for the recovery of any penalty: provided always, that all the other provisions of the said several Acts shall during the continuance of this Act, be and continue in full force and effect in that part of the Parish of Woodstock affected by this Act, as fully to all intents and purposes as if the provisions thereof had been herein specially enacted.

XXI. And be it enacted, That the Road Tax authorized by this Act, shall be deemed legal, although the aggregate amount thereof shall exceed the sum ordered to be assessed by the Justices of the Peace as before mentioned, provided the difference shall not exceed twenty per cent.

XXII. And be it enacted, That the said Commissioners of Highways shall be entitled to retain out of the amount ordered to be assessed under the provisions of this Act, four per centum on the said amount, as a remuneration for their trouble in making the said assessment.

XXIII. And be it enacted, That nothing in this Act contained shall be construed to affect the power and authority given by Law to the Supervisors of the Great Roads in this Province.

XXIV. And be it enacted, That this Act shall continue and be in force for four years and no longer.