

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 19

An Act to authorize the commutation of Debts due the Crown by Settlers in certain cases for work on the Public Roads. Passed 27th March 1849.

Whereas for the better encouragement of Settlers on New Lands who have not paid the amount of their purchase money, it is deemed advisable to provide for the commutation thereof in certain cases by work to be performed on the Public Roads;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, in all cases where purchasers of Crown Lands who have improved and are actually resident upon their respective Lots, but have not yet paid the whole of the purchase money therefor(e), and where the principal money due in any case does not exceed the sum of twelve pounds, to order and direct that the purchasers respectively shall have permission to do and perform work and labour upon the Public Roads in the vicinity of and as near as may be to their respective Lots, in payment of the balances remaining due on the said purchases.

II. And be it enacted, That in order that the said work may be efficiently performed it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, forthwith to appoint in and for each County, or in and for any particular District, Parish, or Settlement, one or more fit and proper person or persons as Commissioner or Commissioners to superintend and direct the performance and application of such labour.

III. And be it enacted, That each and every person who may be indebted to the Crown in a sum not exceeding as aforesaid twelve pounds, for and on account of the purchase of Land, who is an actual and bona fide Settler on the Lot for which he is so indebted, and who is desirous of availing himself of the benefits and advantages of this Act, shall signify the same on or before the Parish, District or Settlement where such Settler may reside, and shall at the same time deposit with such Commissioner the sum of one shilling on each and every pound of the debt due from such Settler, and for which he is desirous of performing work.

IV. And be it enacted, That each and every Commissioner shall keep a Record of the names of all persons who shall so report themselves as aforesaid, and shall in all cases satisfy himself that every such person is entitled to the privileges and advantages of this Act, before allowing him to avail himself thereof.

V. And be it enacted, That each and every Settler so recorded, shall do and perform such part and portion of work according to such specifications, and at such place and within such time as the Commissioner may direct and appoint, and as near as may be to the residence of such Settlers; provided that no part of such work be performed after the first day of October.

VI. And be it enacted, That in the cases aforesaid no Read shall be made of less width than sixteen feet between the ditches, and that a sum not exceeding five shillings per rod, in the discretion of the Commissioner, be allowed on account of any such work; provided always, that in any case when it may be necessary to construct a Bridge, the Commissioner shall specify in what manner the same shall be built, and shall estimate as near as may be the value thereof, in reference to the rate before mentioned, and which, when done, he shall allow to the parties building the same as and for so many rods of Road.

VII. And be it enacted, That as soon as may be after the first day of October, every Commissioner shall make up a Return of his proceedings under this Act, specifying therein the name of each Settler who may have worked, the number of rods he has made, and the rate allowed for, the same, and the number of Bridges built, which said Return shall be certified and signed by such Commissioner; and the respective sums therein allowed shall be deemed and taken as so much paid for and on account of the said debts due by the Settlers respectively, and shall be credited as such; and in every case where the amount of such work is equal to the principal money due from the Settler, his Grant shall forthwith issue without any further charge or payment therefor.

VIII. And be it enacted, That if any Settlers shall neglect or refuse to avail themselves of the privileges and advantages offered by this Act, the Commissioner for the place or District where they may reside shall, as soon as may be after the first day of October, make a Return of the names of such persons to the Provincial Secretary.

IX. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the laying off any Roads within the Province of a width not authorized by law.

X. And be it enacted, That this Act shall continue and be in force until the first day of April in the year of our Lord one thousand eight hundred and fifty one.