

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1861. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1861.

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An Act to authorize the appointment of Commissioners to lay out the Streets or Highways in the Town of Newcastle, and to establish and regulate the Public Landings in the said Town. Passed 12th April 1861.

Section.

1. Three Commissioners to be appointed to lay out the streets;
2. To adhere to the lines at present used, unless with consent;
3. To define public landings in the Town;
4. To file a record with the Clerk of the Peace:

Section.

5. Such landings to be deemed part of the highways, and subject accordingly.
6. Return of streets laid out to be filed and entered in a book: consequences.
7. Record to be evidence.

Whereas it has been ascertained that several of the Streets or Highways within the Town of Newcastle have not been recorded agreeably to law; and whereas the Commissioners of Highways have experienced great difficulty in preventing encumbrances thereon, from the bounds of the said Streets or Highways not being properly defined; and whereas from the buildings and erections in the said Town, sufficient space is not left to enable the Commissioners to lay out and record the said Streets or Highways through the said Town, of the width of four rods, as by law is required; and whereas great inconvenience has arisen to the public in consequence of the several landings in the said Town being obstructed; for remedy whereof,—

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That it shall be lawful for the Lieutenant Governor to appoint three fit persons Commissioners to lay out the said streets or public highways through the Town of Newcastle, commencing at the road dividing the property of John Miller and William Falconer, and terminating at the lower line of James Ledden's lot.
2. That it shall be the duty of the said Commissioners or the major part of them in laying out the said streets or highways, to adhere to the line of roads as at present used through the said Town, and to make the said streets or highways as wide and straight as practicable, not in any case interfering with existing buildings or fences, without the written consent of the proprietors.
3. That the said Commissioners or the major part of them are hereby authorized and required to lay out or define the landings in the Town of Newcastle, that have been heretofore used as public landings, to wit, the slip or landing at the Tank; the slip or landing to the southward of George Watts' store; the slip or landing to the eastward of M'Laggan and Parks' wharf; and the Ferry slip or landing to the southward of Alexander Fraser's store.

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4. That all such landings or slips as the said Commissioners or the major part of them shall lay out or define to be public, under the provisions of this Act, such Commissioners or the major part of them shall cause a record of the same to be made and signed by them, with a plan of the same, and file the same in the office of the Clerk of the Peace for the County of Northumberland.
5. That when and so soon as the said Commissioners or the major part of them shall have so laid and defined the said public slips or landings in the said Town of Newcastle, as directed in and by the provisions of this Act, and shall have caused the record thereof to be made and filed in manner aforesaid, such slips and public landings shall thereafter be deemed and taken to be part of the Queen's highways, and be subject to all the rules and regulations that the other highways or public roads and slips of the said Parish are subject to, and all persons obstructing the same shall be subject to the like pains and penalties therefor that any person or persons is, are or may be subject by any laws now or that shall hereafter be in force for preventing the obstruction of the highways and public roads of the said Parish or County, and be recovered and applied in like manner.
6. That the said Commissioners or the major part of them shall forthwith, after laying out the said streets or highways, make a return thereof in writing under their hands into the office of the Clerk of the Peace for the said County, with a plan of the same, who shall enter the same in the Book kept for the purpose of recording roads or highways; which return shall distinctly designate the marks, bounds and lines by which the said streets or highways may be known and ascertained; and whatsoever the said Commissioners shall do, according to the powers given them in this Act, being so entered, shall be valid and good to all intents and purposes whatsoever, and the said streets or highways, when so laid out and entered as aforesaid, shall be deemed and used as public streets or highways for the use and benefit of the public, (such acts not to interfere with any buildings or erections as before excepted,) in as ample and full a manner as if the same had been laid out and recorded under and pursuant to the provisions and regulations of an Act made and passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to Highways*, or under and pursuant to any Act of Assembly now in force for establishing and regulating highways in this Province.
7. That such records of the said streets and highways, and of the slips and landings respectively, when so made and recorded in the office of the Clerk of the Peace of the said County, shall be good evidence of such being public streets or highways, and of the said slips and landings, in all Courts of Law in this Province, or certified copies of the same, under the hand of the said Clerk, without proving such laying out as aforesaid.