

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1863. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1863.

26 Victoria – Chapter 38

An Act to provide more effectually for the repairing the Roads, Streets and Bridges in a part of the Parish of Newcastle, in the County of Northumberland. Passed 20th April, 1863.

Section.	Section.
1. Upper District defined.	5. Money collected, how expended.
2. Special Commissioner for District to be annually elected; to give Bond.	6. Public Landing and Slips to be part of Highway.
3. Persons to be assessed; Rates how paid.	7. Duties of Commissioner.
4. Commissioner to file road list; assessment, by whom paid; if not paid, how recovered.	8. Commissioner elected last annual meeting to be Commissioner under this Act.

Whereas it is desirable that the Roads, Streets and Bridges in a part of the Parish of Newcastle hereinafter defined, should be repaired and upheld by a tax payable in money instead of labour;---

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

1. That part of the Parish of Newcastle, in the County of Northumberland, beginning at the division line of the said Parishes of Newcastle and Northesk, and extending down stream or easterly to the centre of the Bridge at French Fort Cove, and thence northerly in a line parallel with the westerly line of the said Parish, to the rear line of the front lots, be and the same is hereby declared to be a separate and distinct district, to be known as the Upper District of the said Parish of Newcastle, for the purposes hereinafter mentioned.

2. One of the three Commissioners of Highways to be annually elected or appointed for the said Parish, under the laws now in force, or any law that may hereafter be in force in this Province relating to Highways, shall at the time of election or appointment, be elected or appointed specially for the said upper district as other Parish officers are elected or appointed; and such Commissioner shall, before entering upon the duties of his office, give a Bond with two sureties to the Queen, to be approved by two Justices residing in the town of Newcastle, in such sum as the Sessions shall from time to time prescribe, conditioned for the faithful performance of the duties of his office, and the due accounting for all moneys that he shall collect and receive as such Commissioner, which Bond shall be filed with the Clerk of the Peace within one month after such election or appointment; such Commissioner may retain ten per cent. of the moneys by him annually collected, as compensation for collecting and expending the same.

3. The male inhabitants of the said district of the age of twenty one years and upwards, and the property of such inhabitants, as also the real estate within the said district of non-residents,

females and minors liable to perform statute labour, or to be assessed therefor under any law now in force, or that may hereafter be in force relating to Highways, and the amount of such assessment shall be payable in money only at the rate of thirty cents for each and every day such person and property shall be assessed; provided always, that the real estate situate in the said district only shall be liable to be assessed against the owners thereof.

4. So soon as the Commissioners of Highways for the said Parish shall have completed the road list in each year, the Commissioner for the said upper district shall, in conjunction with the other Commissioners, make therefrom a list of the persons and property in his district liable to be assessed under this Act; such list to contain as well the number of days as the amount to be paid by such persons and property respectively, as provided by the third Section of this Act, and shall, within ten days thereafter, file a copy of such list in the office of the Clerk of the Peace; and the said Commissioner of Highways for the said upper district shall in his own name forthwith collect the said assessment from the inhabitants over twenty one years assessed in such district, residing in the said County, in the same manner as Parish rates and taxes are by law collected; non-residents, females and minors assessed on real estate within the said district, neglecting or refusing to pay such assessment in money as aforesaid, shall be proceeded against, and the same shall be recovered in the way and manner provided by the laws now in force, or that may at any time hereafter be in force relating to Highways; provided that any person or persons shall have the same right of appeal as in other cases of Parish Rates.

5. The moneys, as collected under any such assessment, and all fines and forfeitures imposed and recovered within the said district under the Laws relating to Highways, shall be expended by the Commissioner of the said upper district, in the repairing and upholding of the Roads, Streets, Bridges and Public Landings in the same, between the first day of May and the first day of September in each year; the said repairs and work to be from time to time let out at public auction to the lowest bidder, except in cases where immediate repairs are absolutely necessary, six days previous public notice to be given of the time and place of every such sale.

6. All the public landings and slips within said district, are hereby declared to be parts of the public highways in the said district, and shall be subject and liable to the provisions of this Act, and to the laws in force from time to time relating to Highways.

7. The Commissioner for the said district shall, within the said district, perform all the duties required by law to be performed by Surveyors of Roads, and shall have all the powers and authorities, and shall perform all the other duties within the said district authorized and required by the laws now in force, or that may hereafter be in force relating to Highways.

8. The Commissioner elected for the upper district of the said Parish, at the last annual meeting in the said Parish, shall be the Commissioner for the said district under this Act, until another Commissioner shall be elected or appointed, and has qualified.