

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1865.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1865.

28 Victoria – Chapter 54

**An Act to provide for fencing certain Intervale Lands, and maintaining Roads through the same, in the County of Westmorland. Passed 8th June, 1865.**

Section.

1. Public meeting of owners, how called; Commissioners, how appointed.
2. Duty of Commissioners.

Section.

3. Amount assessed by Commissioners, how expended.
4. Amount assessed and unpaid, how collected.

Whereas there is a large quantity of Intervale Land situate at, upon, or near the head waters of the Scadouk River, in the Parish of Shediak, in the County of Westmorland, which is owned in small quantities by divers persons, and that the maintaining and repairing Roads to and through the same, as well as the fencing of the same, are now borne principally by a portion of said owners, and which of right should be borne equally among all the owners according to the number of acres owned by each;—

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

1. That it will be lawful for any three or more of said owners to call a public meeting of all the said owners of said Intervale Lands, by posting one month previously a notice in writing in three or more public places in the Parish where such lands are situate, which said notice shall state the time and place of holding such meeting; and at such meeting the said owners present may elect, by a majority of votes, three persons who are owners of said lands, as Commissioners for the purposes hereinafter mentioned, which said Commissioners or their successors shall continue in office for one year, and until re-elected, and until new Commissioners are elected in their stead by any subsequent meeting or meetings which may be called at any time after the expiration of any one year after the last meeting holden in like manner as aforesaid.

2. That it will be the duty of said Commissioners, or their successors for the time being, to assess annually or as often as they may think necessary, each owner of said Intervale Lands, according to the number of acres owned by each owner jointly or severally, an amount pro rata in respect to the whole amount to be so assessed upon all the owners, which they may deem necessary and requisite for fencing said Intervale Lands, and for making and maintaining Roads to and through the same; which amount so assessed against each owner shall be paid by said owner either in cash, work, or materials; if in cash, the same must be paid to said Commissioners, or their successors as aforesaid, at a time appointed by them for such payment; or if by work or materials, the same is to be performed or delivered at such time and place as the said Commissioners, or their successors as aforesaid, may appoint, and to their satisfaction and under their superintendence.

3. That said amount so assessed and paid shall be expended by said Commissioners for the time being in fencing said lands, and in making and maintaining in repair Roads to and through said Intervale Lands, as said Commissioners may deem most for the benefit of all the owners; which Roads said Commissioners may lay out through said Intervale Lands, in any direction they may deem beneficial for all the owners.

4. That should any amount so assessed remain unpaid for the space of one month after the same shall be demanded from said party so assessed by said Commissioners for the time being, or either of them, the same may be prosecuted and recovered, with costs, in an action of debt, before any one of Her Majesty's Justices of the Peace for the said County, to be brought in the name of said Commissioners against said party so assessed, as being a debt due and owing from said party so assessed to said Commissioners, in like manner as debts are prosecuted and recovered, with costs, before Justices of the Peace, pursuant to the Acts of the General Assembly in such case made and provided.