

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1866.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1866.

29 Victoria – Chapter 9 (Session 1)

**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 16th April, 1866.**

Section.

1. Middle District, how described.
2. Commissioner to be specially appointed for Middle District.
3. Statute labour, how assessed; proviso.
4. When road list is completed, Commissioner for Middle District to make up his list.
5. Moneys collected and fines recovered, how expended.

Section.

6. Public landings and slips, what declared to be.
7. Duties of Commissioner of Middle District.
8. Commissioner of Middle District to act till another is appointed.
9. Commissioner only to expend money collected while he is in office.

Whereas it is desirable that the Roads, Streets and Bridges, in a part of the Parish of Newcastle hereinafter described, 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, lying between the upper and lower Mill Coves in the said Parish, and extending in the rear to the full extent of the Parish, be and the same is hereby declared to be a separate and distinct District, to be known as the Middle 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 Middle 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 resident in the said District, 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 of all moneys that he shall collect or receive as such Commissioner, which Bond shall be filed in the office of 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 thereof.
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, shall be assessed the number of days according to the scale prescribed in the 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 Middle 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 Middle District, shall in his own name forthwith collect the said assessment from the inhabitants over twenty one years of age 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 Middle 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 Middle 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.

9. Such Commissioner shall only expend the moneys which he shall collect during the year he is in office, and shall not incur any debt or liability respecting the repair of roads, to be paid out of the road collections of the succeeding year.