

EMIGRATION.

Encl. 3 in No. 6.

or over, which it passes. A return of their doings, and plan of the road are made and recorded, and the matter is continued for two of the regular Sessions of the Court, in order to give to these whose lands are taken, an opportunity of claiming more damages than had been awarded them. If such claims are made, the parties preferring them may have a hearing before a jury, or a Committee as may be agreed, and the proceedings in relation to the road are delayed until such claims are disposed of; then, or in case no such claims are presented, after the two continuances, the proceedings are closed, and the location established. The damages sustained by the different individuals as estimated by the Commissioners, are determined after a hearing by the jury or committee, are paid from the County Treasury, upon orders drawn by the Court of Commissioners.

The owners of the land through which the road is laid, are allowed one year from the time when the proceedings before the Court of County Commissioners are closed, to take off the wood standing on the route, and a time, not exceeding three years is allowed for opening and making the road.

After the road is located and established, it is to be opened and made by the towns through which it passes, each town making so much as lies within its boundaries, in the same manner that town roads are made. If any town neglects to open and make the road within the limited time, the Commissioners have power to appoint an agent, who may proceed in such way as he may deem best to complete the road. The town pays all the sums expended for the purpose, and the statute contains provisions for enforcing the assessment, and collection of the taxes necessary for such purposes.

Town roads and private ways, are laid out by the select men of the respective towns; when requested to lay out a town road, they give seven days public notice of the intention. At the time appointed, they make the location, and report the boundaries and admeasurement to a meeting of the inhabitants, and their Report must be filed in the office of the town clerk, seven days before the meeting at which their Report is to be acted upon. If the Report is accepted, and allowed at such meeting, the road is established. The select men determine what damages, if any, are sustained by individuals through whose land the road is made, subject to the right of the land owners, if dissatisfied with the amount allowed, to apply to the County Commissioners, and have their rights ascertained by a jury, or a committee, if the parties so agree; the damages when ascertained are paid by the town.

If the select men refuse to lay out a way when requested, or if the town, after a road has been laid out by the select men, refuse to accept and allow it, the petitioners may apply to the County Commissioners, and they after due notice, and a hearing of all parties interested, may in the latter case, approve and allow the road and direct the laying out and acceptance to be recorded by the clerk of the town; in the former case, they may cause the road to be laid out. After town roads are laid out and accepted, if the town neglects to open and make them, the statute provides the same mode of doing it as in the case of county road, i.e. by an agent appointed by the Commissioners.

The same provisions apply to private ways as to town roads, excepting that the damages suffered by the owners of land, are borne by the particular individuals for whose benefit the road is made.

The several towns are required by law to keep all county and town roads within their boundaries in repair, and for neglecting to do this, they are subject to indictment, and upon conviction are fined such a sum as shall appear to the Court sufficient to make the necessary repairs, and the fine is expended under the direction of an agent appointed by the Court for that purpose. These cases are cognizable in our district Court, which has succeeded to our Court of Common Pleas.

At their annual meetings in March and April, the towns usually vote such a sum of money as is needed for making and repairing their roads, and choose Surveyors of Highways to superintend this matter. The town is divided into districts by the select men, and a Surveyor of Highways is assigned to each district; it is the duty of each Surveyor to see that the roads in his district are kept in repair. The towns may vote to assess the sum to be raised for the highways in money, like other taxes, or in labour and materials. If it is assessed to be paid in money, it is collected with the other taxes, goes into the Treasury, and is drawn out by the select men as wanted. If the Highway Tax is assessed to be paid in labour and materials, each Surveyor of Highways is furnished with a list of the taxable persons in his district, and the amount of Highway Tax assessed on each individual, and he gives to all notice of the time when he will proceed to work upon the roads. As many as choose appear at the fixed time, and work out their tax at certain rates per hour, determined by vote of the town. If any neglect to pay their tax in this way, or by furnishing materials to be used in making the repairs, the Surveyor returns to the select men their names as delinquents, and their Highway Tax is added to their money taxes for the next year. There are but few towns that assess their road taxes to be paid in money, but generally in the labour and materials.

Towns have also the power of choosing Road Commissioners instead of Surveyors, but I do not go into an account of their powers and duties, as I think there are very few towns that exercise this power.

SIR,

Fredericton, November 5, 1841.

IN reply to your favour of the 29th October (which I have been prevented by pressing business in the Court, that adjourned only the day before yesterday, from giving my earlier attention to), in which you say his Excellency requests me to state, "Whether if parties purchase Crown Lands at auction, there be any obligation that prompt payment should be