

"larging of certain Streets in the City of Saint John, and of laying out other Streets therein."

Lawrence B. Rainsford, Esquire, in the room of Jacob Allan, Esquire, Commissioner for expending the sum of £500, on the Road explored by Wightman, from Oak Bay to Woodstock.

The Honorable Thomas Wyer, Esq. having taken the usual oaths, has been admitted a Member of the Legislative Council of this Province, and taken his seat accordingly.

PROROGATION OF THE LEGISLATURE.

On Friday last, at 2 o'clock, His Excellency the Lieutenant Governor proceeded in the usual state to the Province Building, and having commanded the attendance of the House of Assembly, the Members appeared with the Speaker at their head, who addressed His Excellency in the following words:—

MAY IT PLEASE YOUR EXCELLENCY,

The Assembly have this Session, almost exclusively directed their close attention to the several objects, recommended in your Excellency's opening Speech.

Bills have passed, which in their operation, cannot fail to give much greater security than heretofore, to property in Saint John, thereby

improving the commercial credit of that enterprise, and rapidly increasing city.

In order to give more early effect, to measures adopted by the Legislature, and to afford relief to many of the sufferers by the late destructive Fire, the Assembly have passed a Bill, authorizing Your Excellency to make loans for encouraging the erection of brick and stone buildings. In this Bill, provision is made for raising the sum required, by the issue of Provincial Debentures, and therefore not interfering in the slightest degree, with the usual appropriations for the public service.

The Speaker then presented the Bill for His Excellency's approval; which with four others passed during the recent Session, were agreed to. After which His Excellency closed the session with the following

SPEECH:

Mr. President and Honorable Gentlemen of the Legislative Council,
Mr. Speaker and Gentlemen of the House of Assembly,

The expectations which I had entertained in calling you together have not been disappointed. The measures which you have presented for my approval and which have become Law, are calculated to satisfy the wishes of the Country; and I am sanguine in the hope and the belief that this short Session will be hereafter looked

back to, by the People of this Province, as most deeply connected with the best interests of its commercial capital, and consequently with those of the Province at large.

In now closing the Session, it only remains for me to assure you, that no delay shall take place, on the part of the Executive Government, in giving effect to the Legislative measures which have been adopted.—and I take my leave of you, with the expression of my sincere desire, that the brief interval which may elapse, before we again meet in Provincial Parliament, may be marked by a continuance of the tranquil and prosperous state of public affairs, which now happily prevails throughout the Province.

We have been favored with the Report of the Agricultural meeting held at Stanley, on the 7th inst, with a list of the distribution of prizes which were so liberally granted by the New Brunswick and Nova Scotia Land Company, for the encouragement of Agricultural pursuits on the Company's Lands, which we regret being unable to publish in this days Gazette. The postponement until next week is rendered unavoidable, from the necessity there is to give immediate publication to the Laws &c. of the last Session of the Legislature.

Married.

On the 17th inst. at Jimseg by the Rev. Mr. Wood, Mr. Frederic H. Richmond, of Nova Scotia, to Miss Sarah A. daughter of Mr. Zalmon DeForest, of Fredericton.

On the 19th inst. by the Rev. J. Birkmyre, A. M. Mr. John M. Murtrie, to Miss Margaret Nicholson, both of this Parish.

On Saturday last, by the Rev. Mr. Shepherd, Mr. James Purdy, of Woodstock, to Miss Ann M. Lauchlin, of Fredericton.

FANNING MILLS.

THE subscriber having sold nearly forty of his Mills, the last season, and they in every instance having given satisfaction, begs leave to inform the public that they are for sale by Mr. Daniel C. Perkins, South Wharf, and Mr. James E. McDonald, King Street, St. John; Mr. Spafford Barker, Fredericton, and Mr. W. F. Bonnell, Gagetown.

MARTIN LEMONT.

Gagetown, September 6, 1839. 3w

BANK STOCK.

20 SHARES CENTRAL BANK STOCK for sale on favourable terms. Apply at this Office. 15th Sept. 1839.

FOR SALE.

Those valuable premises situated on the North West Corner of Queen and Carleton Streets, at present in the occupation of Mr. George Anderson. As a stand for business this property is equalled by few in the Town of Fredericton, and will be sold at a low price, by early application to Mr. Spafford Barker, Fredericton, or to the subscriber in St. John.

JAMES T. HANFORD.

September 23, 1839. 2m

NOTICE.

ALL Persons are hereby cautioned against purchasing a Note drawn by the Subscriber in favour of the Honorable THOMAS BAILLIE, or order, for the sum of Eighty Pounds, Nineteen Shillings, currency, payable two months after date, and dated at Dalhousie, Restigouche, first July, 1839, as the Subscriber has received no value for the same, the said Note having been lost or mislaid.

JOSEPH HUNTER.

Dalhousie, 9th Sept. 1839.—3w.

A WELL built Double PHAETON and an English CHARIOT. Apply at this office. July 2, 1839.



ANNO TERTIO VICTORIÆ REGINÆ.

CAP. I.

An Act for the more effectual prevention of Fires in the City of Saint John.

Passed 20th September, 1839.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all dwelling houses, store houses and other buildings, excepting as hereinafter excepted, which from and after the passing of this Act shall be built, erected or set up in the City of Saint John, within the limits hereinafter mentioned and described that is to say, beginning at the southern extremity of Prince William Street where it intersects the northern line of Saint James Street, thence along Prince William Street to Princess Street, thence along Princess Street to Germain Street, thence along Germain Street to Union Street, thence along Union Street to George Street, thence along George Street to Pond Street, thence along Pond Street to Mill Street, thence along Mill Street northwardly to the entrance of Smyth Street, thence along Smyth Street to Nelson Street, thence along Nelson Street, crossing the Market Slip, to Ward Street, thence along the said last mentioned Street and a prolongation of the western line thereof southwardly until it strikes the southern line of the Ferry Slip at the foot of Princess Street, thence along the said last mentioned line to Saint John Street, thence along Saint John Street and a prolongation of the western line thereof southwardly until it intersects the prolongation of the northern line of Saint James Street, and thence along the said last mentioned prolongation to the place of beginning, and also in and upon all the lots of ground adjoining thereto to the depth of forty feet on the eastern side of Prince William Street, Germain Street, George Street and Mill Street, the south side of Princess Street, the north sides of Union Street and Pond Street, two hundred feet on the western side of Smyth Street, not less than thirty feet on the western sides of Nelson Street and Ward Street, and one hundred feet on the western side of Saint John Street, terminating at the foot of Duke Street, shall be made and constructed of Stone or Brick or other non-combustible material, with party or fire walls rising at least twelve inches above the roof, and the roof of every such dwelling house, store house or other building shall be covered on the outside with tile, or slate, or other safe materials against fire, and not with boards or shingles; provided that this Act shall not be construed to extend to buildings or erections not exceeding fifteen feet in height from the ground or level, to be determined on by the City authorities, to the peak or highest part of such buildings or erections: Provided also, that all steeples, cupolas and spires of public buildings, where such building shall stand at least ten feet from any and every other building, may be covered with boards or shingles.

II. And be it enacted, That from and after the passing of this Act, no wooden building, store house, or other erection of what nature or kind soever, shall be built, erected, or set up on the eastern side of the harbour of the said City to the westward of the limits and lots of ground adjoining thereto hereinafter mentioned or described, of a greater height than thirty feet from the bottom of the sill to the highest point of the roof, the bottom of the sills to be elevated not more than eighteen inches above the level of the street or wharf whereon the said building, store house or erection may stand, or above the point where such level may be determined on by the said City authorities; the posts to be not more than twenty feet, the roof to be covered with slate or other non-combustible material, to be of a regular pitch from the eaves to the ridge, with a straight rafter, and to have at least one scuttle in the same: Provided also, that between every two such wooden buildings, store houses or erections, the sites whereof shall be vacant at the time of the passing of this Act, or may hereafter become vacant, there shall be a partition wall of brick at least eight inches in thickness, to extend not less than twelve inches above the roof: Provided also that nothing herein contained shall be construed to prevent the owner or owners of any wooden building authorized by this Section of this Act, whereof the side line or depth from the front of the building on the street exceeds thirty five feet, to make a portion of the roof flat on the top, according to the following scale: buildings whereof such side line or depth exceed thirty five feet and do not exceed forty feet, the width of such flat shall not exceed five feet; buildings whereof such side line or depth exceed forty feet and do not exceed fifty feet, the width of such flat shall not exceed eight feet; buildings whereof such side line or depth exceed fifty feet and do not exceed fifty five feet, the width of such flat shall not exceed twelve feet; buildings whereof such side line or depth exceeds fifty five feet the width of such flat shall not exceed fifteen feet.

III. And be it further enacted, That one half of every such party wall between house and house, or between other buildings, shall be built on the ground or site of one of the adjoining houses or buildings, and the other half thereof shall be built on the ground or site of the adjoining houses or buildings; and it shall and may be lawful for the first builder of any such party wall, and for the workmen employed in building the same, to enter upon the ground adjoining thereto, in order to the building such party wall in the manner aforesaid.

IV. And be it further enacted, That the person or persons at whose expense any party wall shall be built agreeably to the directions of this Act, shall be reimbursed one half of the expense incurred in such party wall by the owner or owners of the adjoining property who shall make use of the said wall, and such moiety or half part of the expense incurred in erecting such party wall may be recovered, together with full costs of suit, by action of debt or assumpsit, in any of Her Majesty's Courts of Record in this Province.

V. And be it further enacted, That no dwelling house, store house, or other building of wood at present standing or being within the fire limits described in this Act, shall hereafter be raised, enlarged or built upon, nor shall any wooden building exceeding the height mentioned in the proviso contained in the first section of this Act, be hereafter removed from one lot or place to any other lot or place within such fire limits as the same are by this Act established, or may hereafter be extended.

VI. And be it further enacted, That if any wooden buildings which have been or shall be erected since the seventeenth day of August last in such part of the before described limits contained in the first section of this Act, as may be situate or lie in that part of the said City called King's Ward to the southward of Union Street, and which shall be contrary to the provisions of this Act, shall and may be removed and taken down or reduced to the height prescribed for wooden buildings, as is provided for in and by the said first section, by order of the Mayor, Aldermen and Commonalty of the said City in Common Council convened, the value of such building or buildings so to be taken down or reduced, being first ascertained by the appraisement of three disinterested

persons, one of whom to be named by the said Common Council, one by the party or parties owning such building or buildings, and the remaining one to be nominated and chosen by the two persons so appointed by the said Common Council and owner or owners respectively, the decision of whom or any two of whom shall be final and conclusive, and the amount of any such valuation or appraisement shall be paid to the said owner or owners accordingly by the said Mayor, Aldermen and Commonalty, within thirty days after being furnished with the award or awards containing such appraisement or appraisements: Provided always, that in case of the owner or owners of any wooden building refusing to name a person to make such appraisement after being required by the Common Council so to do, for the space of six days, it shall and may be lawful for the said Common Council to name the second person, and the two persons so named by the said Common Council to choose the third: And provided also, that in the said valuation no consideration shall be taken for any improvements made after the passing of this Act.

VII. And be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City of Saint John, in Common Council convened, to order an assessment upon that part of the said City which lies on the eastern side of the Harbour, for the purpose of paying the value of the said Buildings and expenses of taking down, removing or reducing the same, the said sums to be assessed, levied and collected in the same manner as any other rates for public charges.

VIII. And be it further enacted, That from and after the passing of this Act, if any dwelling house, store house or other building whatsoever shall be built, erected, raised, enlarged, removed or roofed contrary to any of the provisions of this Act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of five hundred pounds; and every builder or other person who shall build, erect, raise, enlarge, remove or roof, or assist in building, erecting, raising, enlarging, removing or roofing such dwelling house, store house or other building, shall for every such offence forfeit and pay the sum of two hundred and fifty pounds, to be recovered with costs of suit in any Court of Record within this Province by the Treasurer or Chamberlain of the said City of Saint John, for the use of the poor thereof and when recovered shall be appropriated in the same manner as the monies raised by tax for the maintenance of the poor of the said City are by Law directed to be applied.

IX. And be it further enacted, That any such dwelling house, store house or other building, which after the passing of this Act shall be built, erected, raised, enlarged, removed or roofed within the limits and the lots of ground adjoining thereto, herein before described, contrary to the provisions of this Act shall be deemed, and the same is hereby declared to be a common nuisance.

X. And be it further enacted, That the several Streets mentioned in this Act shall be taken and deemed to mean the same respectively as at present laid out, without reference to any intended alterations in the lines or courses of the same.

CAP. II.

An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein.

Passed 20th September, 1839.

WHEREAS by the late disastrous Fire in the City of Saint John, all the buildings and erections, with a few exceptions, within that district, which is bounded eastwardly by Prince William Street, southerly by the Market Place and Slip, westwardly by the harbour of Saint John, and northerly by Union Street, were destroyed, and it is advisable to widen and enlarge the following streets in the said district, that is to say, Dock Street and Nelson Street, and also to open and lay out a new Street in the said district in continuation of Smyth Street southwardly, until it meets the North Market Wharf?

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful to and for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to nominate and appoint and also to reappoint and supply as it may be necessary or expedient, three or more discreet and disinterested persons Commissioners for the purpose of performing the duties hereinafter in that behalf prescribed; which said Commissioners, before they enter on the performance of the duties of their appointment, shall severally take and subscribe an oath or affirmation before any Justice of the Peace in and for the City and County of Saint John, faithfully to perform the trust and duties required of them by this Act.

II. And be it enacted, That it shall be the duty of such Commissioners forthwith to enter on the duties of their appointments and cause a survey and plan of the said district to be made and prepared, and to fix and decide upon the best mode and method of widening, extending, altering, straightening and enlarging Dock Street and Nelson Street aforesaid, and also of laying out and opening the said new street in continuation of Smyth Street southwardly until it meets the North Market Wharf, and for that purpose the said Commissioners shall have full power and authority to enter in and upon the lands and tenements in the said district, and to determine and decide where and in what manner such streets respectively are to be widened, extended, altered, straightened, enlarged, opened and laid out.

III. And be it enacted, That the said Commissioners so soon as they shall have caused such survey and plan to be made, and shall have decided where and in what manner such streets respectively are to be widened, extended, altered, straightened, enlarged, opened and laid out, shall proceed to make a just and equitable estimate and assessment of the value of the lands, tenements and hereditaments required for widening, extending, altering, straightening, enlarging, opening and laying out such streets respectively, and shall assess and apportion three fourth parts of the amount of such estimated value on all the parties interested in any lands, tenements and hereditaments within the said district, including the parties interested in such lands, tenements and hereditaments required for the purposes of such streets respectively, according to their best discretion, in proportion to the benefit accruing to such parties respectively from the improvement of the said Streets, and shall thereupon file the said plan with the Common Clerk of the said City, as and for a record of their doings in that respect, and shall forthwith report their proceedings and all matters and things connected with their duties as such Commissioners to the Common Council of the said City; and in the said report the Commissioners who shall make the same shall set forth the names of the respective owners, lessees, parties and persons, entitled unto or interested in such lands, tenements, hereditaments and premises mentioned in the said report, and each and every part and parcel thereof as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the respective lots or parcels of land and other tenements, hereditaments and premises that may be required for the purpose of widening, extending, altering, straightening, enlarging or laying out such Streets respectively, and also of the said respective lots or parcels of land and other tenements, hereditaments and premises within the said District so assessed by the said Commissioners for the said benefit as aforesaid, and also the several and respective sums estimated and assessed as and for the compensation and recompense, or the allowance to be made for the value of the land and other tenements, hereditaments and premises so taken for the purposes aforesaid, as also the sums assessed upon the same for the benefit and advan-

tage of the respective owners of the fee or inheritance of such lands, tenements, hereditaments and premises, respectively, or for the compensation or damage and for the assessment for the benefit of the respective owners of the leasehold estate or other interest therein, separately; but in all and each and every case and cases where the owners and parties interested, or their respective estates and interests are unknown or not fully known to the said Commissioners, it shall be sufficient for them to estimate and assess and to set forth in their said report in general terms, the respective sums to be allowed and paid to or by the owners or proprietors generally of such lands, tenements hereditaments and premises and parties interested therein for the compensation and damage, and for the assessment for the benefit and advantage to such owners, proprietors and parties interested in respect of the whole estate and interest of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments and premises respectively, by and in consequence of the widening, enlarging, extending, altering, straightening, opening and laying out such Streets respectively, without specifying the names or the estates or interests of such owners, proprietors and parties interested, or of any or either of them; And upon the coming in and filing of such report, the same shall be final and conclusive, as well upon the Mayor, Aldermen and Commonalty of the City of Saint John, as upon the owners, lessees, parties or persons interested in and entitled unto the lands, tenements, hereditaments and premises mentioned in the said report; And the said Mayor, Aldermen and Commonalty shall become possessed of all the said lands, tenements, hereditaments and premises in the said report mentioned, that shall or may be so required for the purpose of widening, extending, altering, straightening, enlarging, opening and laying out such Streets, the same to be appropriated, converted and used to and for such said purposes accordingly, and for none other whatsoever; And thereupon the said Mayor, Aldermen and Commonalty, or any person or persons acting under their authority, may immediately or at any time or times thereafter, take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose, and may at any time thereafter take down and remove all buildings or parts of buildings, erections or improvements of any description whatsoever on the said lands, tenements, hereditaments and premises; Provided, that it shall not be lawful for the said Commissioners to allow any sum or compensation whatsoever for any building or buildings which may, after the passing of this Act, be built, placed or erected in part or in the whole, on such part or parts of the said lands, tenements, hereditaments and premises that may be required for the widening, extending, altering, straightening, enlarging and laying out such Streets respectively.

IV. And be it enacted, That the said Commissioners, after completing their said estimate and assessment and at least fourteen days before they make their report to the Common Council, shall deposit a true copy or transcript of such estimate and assessment in the clerk's office of the said City, for the inspection of whomsoever it may concern, and shall give notice by advertisement, to be published in at least two of the public newspapers, printed in the said City, of the said deposit thereof in the said office, and of the day on which it will be finally filed as and for a record of their proceedings; and any person or persons whose rights may be affected thereby, and who shall object to the same or any part thereof, may within ten days after the first publication of the said notice, state his, her or their objections to the same, in writing, to the said Commissioners; and the said Commissioners or such of them as shall have made such estimate and assessment, in case any objections shall be made to the same, and stated in writing as aforesaid, shall re-consider their said estimate and assessment, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

V. And be it enacted, That the said Mayor, Aldermen and Commonalty shall within six Calendar months after the filing of the said report of the Commissioners in the premises, pay to the respective persons and parties mentioned or referred to in the said report, in whose favor any sum or sums of money shall be estimated and reported by the said Commissioners, the respective sum or sums so estimated and reported in their favor respectively, deducting in each case any sum or sums that such parties respectively, may in the said report and assessment of the Commissioners be declared liable to pay by reason of the benefit to them respectively accruing from the improvement of such Streets; and in case of neglect or default in payment of the same, within the time aforesaid, the respective person or persons, party or parties, in whose favor the same shall be so reported, his, her, or their Executors or Administrators at any time or times after application first made by him, her or them to the said Mayor, Aldermen and Commonalty in Common Council convened for payment thereof, may sue for and recover the same with lawful interest, from and after the said application thereof, and the costs of suit, in an action of debt or assumpsit against the said Mayor, Aldermen and Commonalty in any Court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due to the Plaintiff or Plaintiffs therein by virtue of this Act for premises taken for the purpose herein mentioned, and it shall be lawful for the Plaintiff or Plaintiffs to give any special matter in evidence under such general declaration, and this Act, and the report of the said Commissioners, with proof of the right and title of the Plaintiff or Plaintiffs to the sum or sums demanded shall be conclusive evidence in such suit or action: Provided, that whenever the owners and proprietors of any such lands, tenements, hereditaments and premises so to be taken for any of the purposes aforesaid, or the party or parties, person or persons interested therein or any or either of them, the said owners, proprietors, parties or persons in whose favor any such sum or sums, or compensation shall be so reported, shall be under the age of twenty years, non compos mentis, feme covert, or absent from the said City of Saint John, and also in all cases where the name or names of the owner or owners, parties or persons entitled unto or interested in any lands, tenements, hereditaments or premises that may be so taken for any of the purposes aforesaid, shall not be set forth or mentioned in the said report, or where the said owners, parties or persons respectively being named therein, cannot, upon diligent inquiry be found, it shall be lawful for the said Mayor, Aldermen and Commonalty to pay the sum or sums mentioned in the said report payable, or that would be coming to such owners, proprietors, parties or persons respectively, into the Court of Chancery in this Province, to be secured, disposed of and improved as the said Court shall direct, and such payment shall be as valid and effectual in all respects as if made to the said owners, proprietors, parties and persons respectively, themselves, according to their just rights if they had been known and had all been present, of full age, *discovert* and *compos mentis*; And provided also, that in all and every case and cases where any such sum or sums or compensation so to be reported by the said Commissioners in favor of any person or persons, or party or parties whatsoever, whether named or not named in the said report, shall be paid to any person or persons, or party or parties whomsoever, when the same shall of right belong and ought to have been paid to sue for and recover the same with lawful interest and costs of suit, as so much money had and received to his, her or their use by the person or persons, party or parties respectively, to whom the same shall have been so paid.

(Concluded in Supplement of this date.)