

Supplement to the Royal Gazette.

Fredericton, N. B. September 25, 1839.

(Continued from Gazette of this date.)

VI. And be it enacted, That the respective sums or assessments so to be assessed and reported by the said Commissioners, as and for the allowance to be made by the parties and persons respectively in the said reports mentioned as owners and proprietors of, or parties interested in, lands and premises deemed to be benefited by the widening, extending, altering, straightening, enlarging, opening and laying out of the said respective Streets mentioned in the said report, shall be borne, reimbursed and paid to the said Mayor, Aldermen and Commonalty by the said parties and persons respectively, and the remainder of all the monies which the said Mayor, Aldermen and Commonalty shall pay, disburse and expend, or become liable or bound to pay, disburse or expend in discharge or on account of the sums or estimates of compensation and recompense that may be reported by the Commissioners in favor of the respective persons and parties deemed to be entitled thereto, and also all expenses, disbursements and charges which may arise, or be incurred under the provisions of this Act, shall and may be assessed upon that part of the said City of Saint John which lies on the eastern side of the Harbour, excluding from this assessment the lands, tenements and hereditaments within the District hereinbefore described, which may have been already assessed in the report of the said Commissioners; and the said Mayor, Aldermen, and Commonalty, in Common Council convened, are hereby authorized and required to order and direct the said residue and remainder of the said monies, and the expenses hereinbefore mentioned, together with the charges of assessing, levying and collecting the same, to be assessed, levied, collected and paid in such proportions, and in the same manner, as any rates for public charges are or may be assessed, levied, collected and paid under and by virtue of an Act or Acts of Assembly, made or to be made, for assessing, levying and collecting rates for public charges.

VII. And be it enacted, That the several and respective sums or assessments hereinbefore directed to be reimbursed to the said Mayor, Aldermen and Commonalty shall be a lien or charge on the lands, tenements, hereditaments and premises in the said report of the Commissioners mentioned, or upon the estate and interest of the respective owners, lessees and parties in such said lands, tenements hereditaments and premises, for or on account of which the said respective sums shall be so assessed by the said Commissioners, upon the said respective owners and proprietors thereof or parties interested therein, and as well the said owners and proprietors thereof and parties interested therein, and also the occupants of each and every of them shall moreover be respectively liable to pay on demand the respective sum or sums mentioned in the said report of the Commissioners, at which the respective lands, tenements, hereditaments and premises so owned or occupied by him, her or them, or wherein he, she or they are so interested or at which the owners and proprietors thereof shall be so assessed, to such person or persons as the said Mayor, Aldermen and Commonalty shall appoint to receive the same, and in default of payment of the same or any part thereof, it shall be lawful for the said Mayor, or the Recorder of the said City, and any three of the Aldermen or Assistant Aldermen of the same City, by warrant under their hands and seals, to levy the same with lawful interest thereon, from and after thirty days from the time of the filing of the said report of the Commissioners, together also with the charges and expenses to be had for the collection thereof, by distress and sale of the goods and chattels of such owner and owners, occupant or occupants, or party or parties interested so refusing or neglecting to pay the same, rendering the surplus (if any surplus there shall be) after deducting all just charges, to such owner or owners, occupant or occupants, or party or parties interested, or the said respective sums with lawful interest as aforesaid, may be recovered with all costs and charges by the said Mayor, Aldermen and Commonalty, from and against the owner or owners of the respective lands, tenements, hereditaments and premises whereon or in respect of which the same may be assessed or set forth in the said report of the Commissioners, or from or against either or any of them the said parties or owners, without joining any other or others of them the said parties or owners therein, by action of debt or assumpsit, in which it shall be sufficient to declare generally for so much money due by virtue of this Act to the said Mayor, Aldermen and Commonalty, and every matter may be given in evidence under such general declaration: Provided that nothing herein contained shall affect any agreement between landlord and tenant or any other contracting parties respecting the payment of any such assessment or charges, but they shall be answerable to each other in the same manner as if the provisions in this Act contained concerning the same had never been made: and if any money so to be assessed, be paid by or collected or recovered from any person or persons, when by agreement or by law the same ought to have been borne and paid by some other person or persons, it shall be lawful for the person or persons paying the same or from whom the same shall be recovered, by distress, suit or otherwise, to sue for and recover the money so paid by or recovered from him or them, with interest and costs, as so much money paid for the use of the person or persons who ought to have paid the same, and the said report of the Commissioners with proof of payment, shall be conclusive evidence in the suit.

VIII. And be it enacted, That it shall be competent and lawful for any three of such said Commissioners, so to be appointed, to proceed to and execute and perform the trusts and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the said Commissioners so to be appointed for such said purpose if they had acted therein would have been, and further that in all cases the acts, decisions and proceedings of the major part of such of the Commissioners to be appointed for the purposes aforesaid, as shall be acting in the premises, shall always be as binding, valid and effectual as if the said Commissioners named and appointed for such purpose, had all concurred and joined therein.

IX. And be it enacted, That if the owner or owners, lessees, parties and persons interested in the water lots lying to the westward of Nelson and Smyth Streets, between the south line of Union Street and the north line of lots, leased by the Corporation, fronting on the North Market Wharf, shall be permitted by the Mayor, Aldermen and Commonalty of the City of Saint John to extend their wharves and erections into the harbour, then and in such case the said Commissioners shall be at liberty to take such extension into consideration in their assessment for loss and damages arising from the opening and extending of Smyth Street to the North Market Wharf as aforesaid.

X. And be it enacted, That the Commissioners to be appointed under and by virtue of this Act, who shall enter upon the duties of their appointment, shall each be entitled to receive such sum for each day they shall respectively be actually employed in the duties of their appointment, as the said Mayor, Aldermen and Commonalty in Common Council shall name, to be paid by the said Mayor, Aldermen and Commonalty and included in the before mentioned sums of money and considered as part of the disbursement and expenses incurred by virtue of this Act, besides all reasonable expenses for maps, surveys and plans, clerk hire, and other necessary expenses and disbursements.

CAP. III.

An Act to authorize the issue of Treasury Debentures to raise money for the purpose of being loaned for the re-building a part of the District of the City of Saint John, burnt in the month of August in this present year.

Passed 20th September 1839.

WHEREAS owing to the extent of a late disastrous conflagration in the City of Saint John, and other causes arising therefrom, the expense of building Fire Proof Buildings within the District thereby destroyed is greater than several of the owners of the land can afford, while the value of the situation is such as to insure the re-payment of money advanced thereupon: And whereas, it is demanded expedient to encourage the erection of such buildings thereon;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be and is hereby granted to the Lieutenant Governor or Commander in Chief for the time being, a sum not exceeding twenty thousand pounds, to be raised as hereinafter mentioned and loaned on good securities to such of the owners in fee or lessees in perpetuity of the several lots of land situate within that portion of the City of Saint John destroyed by fire on the night of the seventeenth of August in the present year, who may require a loan and make application for any part thereof, under the regulations and according to the provisions hereinafter enacted.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint five Commissioners to whom all applications for loans under this Act shall be made; That every such application shall be in writing, with the name of the party making the same affixed thereto, and shall contain a description of the property, its situation and extent, what incumbrances, if any, are upon the same, and what species of building the applicant or applicants intends or intend erecting thereupon; That it shall be the duty of the said Commissioners to examine the same minutely, to search the Records of the said City and County, and to deliver to the party making such application a statement in writing, signed by at least three of the Commissioners, setting forth the value of the said property, its incumbrances, if any, and what sum it would be safe to advance upon the security thereof.

III. And be it further enacted, That it shall be the duty of such Commissioners at the time of giving such statement, to require from the said applicant or applicants security for the re-payment of the sum mentioned in such statement by Bond, and also a further Bond from the said applicant or applicants, with one good and sufficient surety in the penal sum of twice the amount applied for, (as the case may be,) that such applicant or applicants, his or their assigns shall erect and build upon the said ground a Fire Proof Building or Buildings of Brick, Stone or other non-combustible materials.

IV. And be it further enacted, That no loan shall be made to any applicant exceeding the sum of one thousand pounds: Provided, That no such loan shall be for a sum greater than two thirds of the estimated value of the land upon which the said loan is made.

V. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council upon receiving such application, with the statement of the said Commissioners attached thereto, and a certificate signed by the said Commissioners or any three of them, that security for re-payment of the sum mentioned in such statement has been given by Bond, duly executed, and also that a Bond with a surety for building as hereinbefore provided has been duly executed, to issue his warrant to the Treasurer of the Province to pay to the said applicant or applicants the sum mentioned in such statement out of the monies raised in the manner hereinafter provided.

VI. And be it further enacted, That the Bonds and all other securities so to be taken by the said Commissioners as aforesaid, shall be taken to Her Majesty, Her Heirs and Successors in double the amount of the sum loaned, conditioned for the payment of the said sum with interest, payable annually to the Treasurer of the Province or to the Treasurer for the time being, at his office, in Saint John; And it shall be the duty of the Treasurer of the Province or the Treasurer for the time being to receive the said Bonds or other securities and keep the same safely and securely, and that a certificate of such Bond, stating the amount thereof, the parties and names shall be registered in the office of the Register of Deeds for the City and County of Saint John.

VII. And be it further enacted, That the costs, charges and expenses of examining the property, its situation and extent, and the incumbrances, if any, affecting the same, and also the costs and charges of searching the Records, and making and delivering the statement by the Commissioners as directed in and by the second section of this Act, and all other costs, charges and expenses attending the loan, shall be defrayed by the parties applicants respectively, and the said Commissioners shall not be required to act in the premises until such expenses, costs and charges shall be paid or secured to their satisfaction.

VIII. And be it further enacted, That it shall be the duty of the said Treasurer or the Treasurer for the time being annually to collect the interest due upon the said Bonds, and to account for the same as for other public monies coming into his hands.

IX. And be it further enacted, That it shall be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, at any time after the expiration of six years from the date of the said Bonds, to direct the said Treasurer or the Treasurer of the Province for the time being, to call in and enforce the payment of the principal and interest due upon the said Bonds, twelve months notice of such requisition having been first given in writing by the said Treasurer or the Treasurer of the Province for the time being to the respective obligors.

X. And be it further enacted, That in order to raise the money hereinbefore mentioned, it shall be the duty of the Treasurer of the Province for the time being to prepare, make and issue, or cause to be prepared, made and issued, Treasury Debentures, not exceeding in the whole twenty thousand pounds currency, in the manner and form hereinafter mentioned, payable at the expiration of eight years after the date of the same, with interest payable annually, not exceeding the rate of six per cent. per annum, and that the said Debentures shall be numbered according to their classes in numerical progression, beginning with each class with number one.

XI. And be it further enacted, That the said Treasury Debentures so to be issued in pursuance of this Act, shall be issued as follows, to wit:—

Class A. One hundred Debentures of one hundred pounds each;

Class B. Twenty Debentures of two hundred and fifty pounds each;

Class C. Ten Debentures of five hundred pounds each.

XII. And be it further enacted, That the said Debentures shall be issued when and so often as the sum of five thousand pounds may be required for the purposes before mentioned, by the said Treasurer, upon giving thirty days notice in the Royal Gazette, and some of the public newspapers published in the City of Saint John, and two of the public newspapers published at Halifax, in the Province of Nova Scotia, and the said Treasurer shall insert in the said Debentures the day of the month from which interest is to be calculated.

XIII. And be it further enacted, That all the monies to be received for the said Debentures, by virtue of this Act, shall be paid into the Treasury and appropriated for the payment of Warrants on the Treasury for the monies granted for loans under the provisions of this Act.

XIV. And be it further enacted, That all Treasury Debentures, issued by virtue of this Act, and all interest accruing or becoming due thereon, or which shall become payable in respect of the said sum of twenty thousand pounds shall be and are hereby made chargeable upon the Treasury of this Province, and repaid out of any monies which may be in the same or which shall come into the same after the said Debentures or any interest thereon shall respectively become due and payable.

XV. And be it further enacted, That the interest upon the said Treasury Debentures shall be paid annually by the said Treasurer out of any monies in the Treasury, upon the production of the said Debentures at the Treasurer's Office, and the interest thereon paid being indorsed thereupon, and a receipt of the same, referring to the said Debenture left with the Treasurer as a voucher for the payment of the same.

XVI. And be it further enacted, That the said Province Treasurer for the time being, shall after the said Debentures have been issued and amount paid into the Treasury for the same, make a return to the Lieutenant Governor or Commander in Chief of the amount of Debentures issued in pursuance of this Act, to be laid before the General Assembly at their next Session.

XVII. And be it further enacted, That all Treasury Debentures, which from time to time shall be discharged and paid off, shall be cancelled and made void by the party holding the same receipting the said Debenture, by stating the amount of principal and interest received on the same, and writing his or their name or names thereupon in words at length; And that after the said Debentures shall be so paid off, the said Treasurer, or the Treasurer for the time being, shall, as soon after as may be, make a return to the Lieutenant Governor or Commander in Chief, of the Debentures so paid off, for the purpose of being laid before the House of Assembly at their next Session, and that after the accounts of the payment of the said Debentures shall be audited and allowed by the General Assembly, they shall be burnt or destroyed as being of no further use to the public service.

XVIII. And be it further enacted, That if any person or persons whomsoever shall forge, counterfeit or alter any of the said Treasury Debentures issued by virtue of this Act, and shall be found guilty thereof, he, she or they shall be deemed guilty of forgery and liable to all the pains and penalties for the same.

Form of Debenture.

SCHEDULE A.

Class. Number. Treasury Department, Province of New Brunswick.

Whereas by virtue of an Act of the General Assembly of the third year of the Reign of Queen Victoria, Cap. intituled "An Act to authorise the issue of Treasury Debentures to raise money for the purpose of being loaned for the rebuilding a part of the District of the City of Saint John, burnt in the month of August in this present year," of (here insert Parish, County and Province, as the case may be,) having paid into the Treasury for the use of the Province, the sum of pounds:—

Now therefore this Debenture is chargeable on the monies which may be in the Treasury of the said Province, or which may be paid into the same on or after the day of which shall be in the year of our Lord one thousand eight hundred and forty for the said sum of together with interest, which may be due thereon, at and after the rate of per cent; the said interest to be paid annually, agreeably to the provisions of the said Act; the said principal and interest or either of them to be paid to the said such person or persons as he (or she) shall authorise: receive the same.

Given under my hand this day of in the year of our Lord one thousand eight hundred and

Debenture £ Annual interest £ Province Treasurer.

Form of Transfer.

I, the person named in the within Debenture do hereby authorise or such person as he shall appoint to receive the amount of the within Debenture and interest thereon.

SCHEDULE B.

Received from Province Treasurer, the sum of being one year's interest on Treasury Debenture, Class Number up to the day of one thousand eight hundred and

CAP. IV.

An Act to authorize the use of part of the building erected for a Marked House in the City of Saint John, for other purposes than as a Market.

Passed 20th September, 1839.

WHEREAS the Mayor, Aldermen and Commonalty of the City of Saint John, have lately erected a large and commodious Market House, in the Market Square in King's and Queen's Wards in the said City of Saint John, and it is considered that it would be of great advantage and convenience to the public at large to have the offices containing the City and County Records, and other public offices in the City concentrated and placed therein, and that the Cellar or Basement Story or such part thereof as the Common Council may think fit should be used for a Public Bonding Warehouse.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for, and the Mayor, Aldermen and Commonalty of the City of Saint John, are hereby authorized and empowered to set apart, use, and appropriate such parts of the said Building, so erected by them in the said Market place, as and for such public offices as they the said Mayor, Aldermen, and Commonalty of the City of Saint John, or the Major part of them in Common Council convened may deem convenient and necessary, and also as an Exchange for the meeting of Merchants, and also to use and appropriate the Cellar or Basement Story of the said Market House for the Housing and Storing of any Goods or other Articles liable to pay duty, and which by any Law in force in this Province may be Warehoused before the Duties shall be required to be paid thereon.

II. And be it enacted, That this Act shall continue and be in force until the first day of April, which will be in the year of our Lord, One Thousand Eight Hundred and Forty five.

CAP. V.

An Act to revive and continue an Act to restrain the provisions of the fifth section of an Act, intituled "An Act for the support of the Civil Government in this Province," and to establish sundry regulations for the future disposal of Crown Lands and Timber in certain cases.

Passed 20th September, 1839.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to restrain the provisions of the fifth Section of an Act, intituled 'An Act for the support of the Civil Government in this Province,'" and to establish sundry regulations for the future disposal of Crown Lands and Timber in certain cases, be and the same is hereby revived and continued, and declared to be in full force and virtue for the period of two years from and after the passing of this Act.