

or of the horse, beast, cattle, carriage, or other thing, for or in respect of which the said tolls ought to be paid; or it shall and may be lawful to and for the said collector or collectors to seize and detain the goods and chattels of such person or persons, or such horse, beast, cattle, carriage, or other thing; and in case the said tolls shall not be fully paid or satisfied, together with all reasonable costs and charges of making, detaining and keeping such distress, within the space of five days, the said collector or collectors may sell the same, rendering the overplus, (if any) after deducting such costs and charges of making, detaining and selling of such distress, to the owner or owners thereof.

If dispute arise as to the tolls due, Collector may detain the distress till dispute be settled by a Justice of the Peace.

XV. And be it enacted, That if any dispute shall arise about the amount of tolls due, or the cost and charges of distraining, keeping or selling any such distress, it shall and may be lawful to and for the collector, or person so distraining, to detain the distress, or the money arising from the sale thereof, until the amount of the tolls, or the charges of distraining, keeping and selling the said distress, as the case may be, shall be ascertained by some Justice of the Peace for the City and County of Saint John, who, upon application made to him for that purpose, shall examine the said matters upon the oath or oaths of the parties, or other witness or witnesses, and shall determine the amount of tolls due, and shall also assess the charges of such distress and sale, and all other reasonable and incidental costs; all which sum or sums so determined or assessed shall be paid to the collector before he shall be obliged to return the distress, or the overplus after the sale thereof, or of any part thereof.

Compensation to be made for lands, &c. taken, occupied or damaged.

XVI. And be it enacted, That the said Corporation shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments taken, used, occupied, altered, damaged or spoiled by means of and for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements and hereditaments; and in case of disagreement between the said Corporation and the said owners and occupiers, or any of them, then such compensation or satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator; and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or the Administrator of the Government for the time being, upon the application of the said Corporation, to appoint the third arbitrator; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private property shall decline making any such agreement, or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, stating the grounds of such application; and such Court is hereby empowered and required from time to time, upon such application, to issue a writ or warrant, directed to the Sheriff of the City and County of Saint John, or in case of his being a party interested, then to the Coroner of the said City and County, and in case of the said Sheriff and the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and empanel a Jury of five freeholders, within the said City and County, who may be altogether disinterested; which Jury, upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury, is hereby empowered to administer,) shall inquire, ascertain and assess the distinct sum or sums of money, or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the inquisition, award or verdict of such Jury shall be returned and filed in the Office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

In case of disagreement to be settled by arbitrators.

Malicious injuries to the works of the the Company made felony.

XVII. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said undertaking, break, damage, throw down or destroy any of the works to be erected or made by virtue of this Act, any such person shall be adjudged guilty of felony; and every such person so