

had all been present, of full age, discreet 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 favour 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 some other person or persons, party or parties, it shall be lawful for the person or persons, party or parties to whom the same 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 for his, her or their use, by the person or persons, party or parties respectively, to whom the same shall have been so paid.

Compensation due to one party but received by another may be recovered by the former from the latter.

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 Report mentioned, as owners and proprietors of or parties interested in lands and premises deemed to be benefited by the widening, altering, straightening and enlarging of the said Street mentioned in the said Report, shall be borne and paid to the said Mayor, Aldermen and Commonalty by the said parties and persons respectively, and the residue or remainder of all the monies which may be due for and on account of the sums or estimates of compensation and recompense that may be reported by the Commissioners in favour 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 the assessment the lands, tenements and hereditaments fronting upon the said Street which have been already assessed in the Report of the said Commissioners; and the said Mayor, Aldermen and Commonalty of the City of Saint John, 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 forthwith 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 any Act or Acts of Assembly made or to be made for assessing, levying and collecting rates for public charges.

Assessment on property benefited to be paid to the City Corporation, and remainder of compensation, &c. to be assessed on the part of the City on the eastern side of the Harbour, exclusive of the district assessed by the Commissioners.

VII. And be it enacted, That the several and respective sums or assessments hereinbefore directed to be paid 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 lands, tenements, hereditaments and premises, for and 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 overplus (if any overplus 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, where, on 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

Assessments to be a charge on the lands, &c.

Proceedings on default of payment.