

tion 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, altering, straightening, and enlarging the said street.

4. 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 objection shall be made to the same, and stated in writing as aforesaid, shall reconsider 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; but should the Commissioners adhere to their original opinion, and notify the party objecting thereof, then it shall be lawful for the party interested objecting to nominate, by writing, within five days after receiving such notice, one Arbitrator, and the Commissioners shall name another, and they shall name a third, who shall arbitrate and determine the question; provided their award, or the award of any two of them, is made in writing, and filed in the office of the Common Clerk, within ten days from the date of the appointment by the Commissioners of the Arbitrator, in which case the Commissioners shall correct the estimated assessment agreeably to such award.

5. The said Mayor, Aldermen, and Commonalty shall, within one calendar month after the several assessments made and to be made as herein provided for the purposes of this Act, are collected and received by them, pay to the respective persons and parties mentioned or referred to in the said report, in whose favour 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 favour 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 opening of the said street; and in case of neglect and default in payment of the same within the time aforesaid, the respective person or persons, party or parties, in whose favour the sum 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 therefor, 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 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 favour any such sum or sums or compensation shall be so reported, shall be under the age of twenty one 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 Equity Side of the Supreme Court in this Province, to be secured, disposed of, and invested 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, as if they had been known, and 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, 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.

6. 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 opening and finishing 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, being one eighth of all the moneys 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 any sum necessary for making and finishing the said street, and also all expenses, disbursements, and charges which may arise or be incurred under the provisions of this Act, shall and may be assessed