

upon that part of the said City of Saint John which lies on the eastern side of the Harbour; 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, being one eighth of the said moneys 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 an Act or Acts of Assembly made or to be made for assessing, levying, and collecting rates for public charges.

7. The several and respective sums or assessments hereinbefore directed to be paid to the 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 and 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, 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 any or either 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.

8. 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 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.

9. 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 convened, shall name, to be paid by the said Mayor, Aldermen, and Commonalty, and included in the before mentioned sums of money, and considered 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.

10. When and so soon as all or any of the buildings on the west side of Cross Street between Church and King Street, shall be removed, pulled down, or destroyed, or it shall be deemed expedient by the Mayor, Aldermen, and Commonalty of the City of Saint John, that the said Cross Street should be widened, then, in either of such cases it shall be lawful for the Governor in Council to appoint Commissioners in like manner, and with like powers and authorities as are herein contained, who shall under the like provisions in all respects as are herein contained, proceed to the opening of such street, which shall be opened to the width of a prolongation of the proposed west line of the street to be opened hereunder, and which will be parallel with Prince William Street, one hundred and ninety feet distant therefrom, and all the provisions of this Act shall be as applicable in all respects, as if this Act had been passed for the widening of Cross Street, and the provisions therein made specially applicable thereto.