

missioners, and shall be a bar to any claim that may be set up by the said owner, or any person claiming under him, for or in respect of such land; and the said Commissioners shall omit the said land and property in the estimate and assessment of the value of lands, tenements, and premises required for widening the said Street.

6. The Mayor, Aldermen, and Commonalty of the City of Saint John, shall not become possessed of the lands and premises required for widening the said Street, until they are prepared to pay the amounts assessed, as and for compensation and recompense to the respective owners or persons entitled to receive the same, and shall actually pay or tender the same, or pay the same into the Equity side of the Supreme Court for the benefit of the persons or parties entitled to receive the same, pursuant to the provisions of the Act first above recited, when they may enter and take possession thereof, or of any part thereof, without any suit or proceeding at law, and may take down or remove any building or part of a building, erection, or improvement of any description on the said lands, tenements, hereditaments, and premises, for the purpose of widening the said Street as aforesaid.

CAP. XLIII.

An Act in addition to and in amendment of certain Acts relating to Canterbury Street, in the City of Saint John.

Interest to be allowed, and assessment made for amount due.

WHEREAS the fifth Section of an Act of Assembly made and passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street, in the City of Saint John*, contemplates the payment of interest on the award made by the Commissioners for opening the said Street, to any person or persons whose lands or property had been taken, on such sum or sums of money as may be due or remaining unpaid, after application has been made by the party or parties whose property has been taken: And whereas the amounts paid previous to the passing of the Act 21 Victoria Chapter 46, are all entitled to interest from the period when due up to the several times of payments made, as equitably due, as the sums remaining unpaid at the time of the passing of the aforesaid Act;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Interest Account shall be made up with the several persons who had or have claims for property taken by the Commissioners for opening said Street, according to the awards made, charging interest on the awards made from the first day of May one thousand eight hundred and fifty five, to the time of payment of any part of the said amount so awarded, deducting amounts paid, and then continuing the balance on interest until a further payment, and so on until the whole principal and interest is fully liquidated; and it shall be the duty of the Mayor, Aldermen, and Commonalty of the said City of Saint John, and they are hereby empowered and directed to order an assessment forthwith, for the eastern side of the said City, and cause to be collected, and paid over, so soon as collected, to the parties to whom the awards have been severally made, such amount as may be required to liquidate in full their respective amounts of interest due as above described.

CAP. XLIV.

An Act to authorize the extension of King's Street, in that part of the City of Saint John called Carleton.

Section.

1. Commissioners, appointment of; oath.
2. Authority to extend King's Street in Carleton.
3. Estimate of lands, &c. required, and apportionment of moiety on parties benefited: Plan and report—effect of.
4. Notice of estimate and apportionment before filing report; objections.
5. Damages, when and to whom payable.

Section.

6. Payments by parties benefited: Assessment for other moiety and expenses.
7. Lien for amount of benefit: Recovery.
8. Notice and conveyance by Sheriff: Agreements: Payments by wrong parties.
9. Acts of majority of Commissioners binding.

Passed 13th April 1859

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. It shall be lawful for the Governor in Council to appoint, and also to reappoint and supply as it may be necessary and expedient, three or more discreet and disinterested persons, as Commissioners, to perform the duties hereinafter prescribed for them; who shall be sworn to the faithful performance of the trust and duties reposed in and required of them by this Act, previously to their entering upon the same.

2. The Mayor, Aldermen, and Commonalty of the City of Saint John, are hereby authorized and empowered to extend and continue King's Street, in that part of the City of Saint John called 'Carleton,' from its present northeasterly termination at its intersection with the southwesterly line of Union Street, in a direct line with the present line of King's Street, and of the same width of ninety feet to the easterly side line of a cross-street between blocks A and B, as shewn on the plan of subdivision of Carleton Flats on file in the office of the Common Clerk, a distance of six hundred and forty feet; and it shall be the duty of such Commissioners forthwith to enter upon the duties of their appointment, and cause a survey and plan of the said proposed extension, and the several lots of land fronting thereon, to be made and prepared; and for that purpose and for any purpose connected with the continuation or extension of the said Street, the said Commissioners, or their employees, shall have full power and authority to enter into and upon the lands and tenements situate or being upon or near the said proposed extension, or for any other purpose connected with the said extension.

3. The said Commissioners, so soon as they shall have caused such survey and plan to be made, shall proceed to make a just and equitable estimate of the value of the lands, tenements, and hereditaments required for continuing and extending the said Street; and shall assess and apportion the half of the amount of such estimated value on all the parties owning or interested in any lands, tenements, and hereditaments fronting on the said extension, or lying in the vicinity thereof, and in the discretion and opinion of the Commissioners to be benefited by such extension, according to the best of their judgment, in proportion to the benefit accruing to such parties respectively from the extension of the said Street; and shall thereupon file the said plan with the Common Clerk of the said City, as and for a record of their doings in this respect, and shall forthwith report their proceedings and all matters and things connected with their duties as such Commissioners, to the Common Council of the said City; and in the said Report the Commissioners shall set forth the names of the respective owners, lessees, parties, and persons entitled to or interested in such lands, tenements, hereditaments, and premises mentioned in the said Report, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or des-