

Section.

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Section.

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Passed 9th April 1860.

WHEREAS an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to authorize that part of the City of Saint John called Carleton to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expense of so doing*, and also an Act made and passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act in addition to and amendment of an Act intituled 'An Act to authorize that part of the City of Saint John called Carleton to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing.'* require certain additions and amendments in order to carry out the purpose of the said Acts;—

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

1. That the Mayor, Aldermen and Commonalty of the said City shall have power and are hereby authorized from time to time to issue "Carleton Water Scrip" to an amount not exceeding fifteen hundred pounds, in addition to and over and above the amount of twenty five thousand pounds in and by the fifth Section of the said first above recited Act authorized to be issued.

2. That such additional "Carleton Water Scrip" shall be issued in the form and on the requirement as in the said recited Act is set forth, and shall be payable with interest in the same manner, and redeemable at the same time as in the said recited Act specified, and the proceeds of the same shall be applied by the Commissioners appointed under the said recited Acts, or any other Commissioners hereafter to be appointed, in the first place and before the expenditure of such proceeds for any other purpose whatever, in payment of interest already due or which may be due on the first day of May next, and for such interest only, and for none that may be due after that period on any "Carleton Water Scrip" issued under the said recited Acts or under this Act, and after such payment of interest, in any other manner, and for such other purposes, except for further payments of interest, as to the said Commissioners shall seem expedient, in order more effectually to carry out the purposes of this Act, and of the said several recited Acts to which this Act is an amendment, and in defraying any necessary expenses incurred by the said Commissioners in the discharge of their duty, any thing in either of the said recited Acts to the contrary notwithstanding.

3. That from and after the completion of any work now in progress, or during the progress of any work now in the course of completion, and from and after the completion of any work authorized by this Act, or by the two several Acts to which this Act is an amendment, or during the progress of any such work, or from and after the rescinding or annulling of any existing contract, or contract hereafter to be entered into for

executing such work, or any part thereof, under the authority of this Act or of the said two recited Acts to which this Act is an amendment, or whenever any good and sufficient mains for the supply of water to dwellings or other houses or establishments shall be laid down and ready for the use of such dwellings, houses or establishments within Carleton aforesaid, or in any part or portion thereof, and also from time to time when and as such good and sufficient mains shall be extended, laid down and ready as aforesaid, in and through other portions of Carleton aforesaid, or through Streets hereafter to be laid out in Carleton aforesaid, all the male inhabitants of Carleton aforesaid, being of the age of twenty one years or upwards, and liable in any way to be rated for taxes, whether they be owners of property, real or personal, in Carleton aforesaid, or not, and also all other persons, whether resident or non-resident, being owners of real and personal estate in Carleton aforesaid, or in any part or portion thereof, shall be assessed by the said Commissioners for the same in each year, for a sum sufficient to defray the cost, charges and expenses of keeping the same in good order and repair, on a scale to be fixed and determined by them, due regard being had to the value, local situation, and mode of occupation of all the several and respective premises, and to the proportionate benefit that has accrued or may probably accrue to the several and respective inhabitants and persons, or their property, liable to such assessment, and also to the probable consumption of water in each case; provided always, that it shall be in the discretion of the said Commissioners, and they shall have power if they deem it expedient so to do, to require any such assessment to be paid by the respective parties assessed, either in one payment only or by such instalments and at such times as the Commissioners may in and by such assessment direct; and a copy of every such assessment shall be filed by the Commissioners in the Office of the Common Clerk of the City of Saint John, within ten days after the making out of the same; and if any person shall consider himself aggrieved by reason of such assessment, it shall be lawful for him to appeal to the Common Council of the said City, provided that such an appeal be made within thirty days after demand of payment of the amount assessed upon the party so appealing; and the decision of the Common Council shall be final, and such assessment shall therefor be amended by the Commissioners or be ratified and confirmed as the said Common Council may order and direct.

4. In the event of any damage being done to the owner or owners of any lands, mills or manufacturing establishments, or to the owner or owners of any water courses or water rights, or caused in or by the execution of any of the works contemplated by this Act, or by the said recited Act to which this Act is an amendment, the Commissioners shall forthwith on demand pay to the party or parties aggrieved such amount of compensation or sum of money as may be mutually agreed upon by and between the said Commissioners and other parties respectively; and in case the said parties and Commissioners shall not agree, the amount of said damage and compensation may be ascertained and awarded by two disinterested arbitrators, one of whom shall be chosen and nominated by the said Commissioners, and the other by the said party or parties aggrieved; and in case of disagreement between the said arbitrators, they, the said two arbitrators, shall choose and appoint a third; 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 in Council for the time