

Section.	Section.
11. Assessment if not paid within thirty days Commissioners to issue Warrant.	16. Commissioners may correct error in assessment list; proviso.
12. Commissioners may order sale of real estate of defaulters.	17. To whom Sections 14 and 15, Cap. 38, 18 Vic. applies.
13. Rates due at passing of Act may be collected by Commissioners.	18. Powers vested by Cap. 72, Title x, in Corporation, now vested in Commissioners.
14. Collection from customers; how collected.	19. Commissioners or agents may enter on land.
15. When streets are mentioned, to apply to squares, &c.	20. Penalties, how recovered.

Passed 8th June, 1865.

WHEREAS in consequence of the great public benefit and protection to property derivable from the introduction of Water into the City of Saint John, and district of the Parish of Portland in the County of Saint John, under and by virtue of an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to provide for an improved system of Sewerage and Water Supply of part of the City of Saint John, and Parish of Portland in the County of Saint John*, and the several Acts in amendment thereof, it is equitable that all real estate, whether built upon or vacant, and all stocks in trade, wares and merchandise, in the whole of the said City on the eastern side of the Harbour, and within a certain distance of the mains in said district of the Parish of Portland, should be assessed annually as hereinafter provided by the Commissioners now or hereafter to be appointed under and by virtue of said Acts, or any of them;—

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

1. The ninth Section of the said recited Act, eighteenth Victoria, Chapter 38, intituled *An Act to provide for an improved system of Sewerage and Water Supply of part of the City of Saint John, and Parish of Portland in the County of Saint John*, is hereby repealed, except as to any thing done, pending or in progress and undetermined under and by virtue thereof; and in lieu thereof, the owners in fee or leaseholders for renewable terms of any lands or tenements situate within the whole City of Saint John on the eastern side of the Harbour, and within that part of the district of the Parish of Portland mentioned in said recited Act, through or along which, or within seven hundred feet of which, in said Portland District, mains for the supply of water shall pass, and also the owner of or traders in all stocks in trade, wares, and merchandise in said City, and such hereinbefore specified part of said district of the Parish of Portland, shall, whether the water be taken or used on the premises respectively, or not, be assessed for the purposes of the said recited Act, eighteenth Victoria, Chapter 38, and the several Acts in force in amendment thereof, in each year, at a rate and rates to be fixed and determined by the Commissioners in each year in their discretion, according to the Schedule (B) appended to this Act, and being part thereof; and where pipes for the supply of water are laid to any premises, then at a rate and rates to be fixed and determined by the said Commissioners in each year in their discretion, according to the Schedule (C) also appended to this Act, and forming part thereof, excepting steam mills, manufactories, baths, hotels, and all places and premises for which and where a large quantity of water is required, which shall be rated by agreement with the parties. If in settling any such rate and rates, or in any other matter within the scope of their authority, any difference should arise among the said Commissioners, the same shall be decided by a majority of said Commissioners.

2. That the owner of all furniture and personal property benefitted by the protection from fire that water supply

affords, of the value of one hundred and fifty pounds and upwards, shall be taxed in the same manner and at the same rate per centum as stocks in trade, wares and merchandize.

3. In the Assessment Book the several lots or premises assessed, whether occupied or vacant, shall be numbered, and the rate assessed on each set down, and the names of the parties assessed on stocks in trade or otherwise, and the amount on which assessment made and the rate, and a copy of the assessment shall be filed by the Commissioners in the Office of the Common Clerk of the said City, on or before the first day of September in each year; and if any person shall think himself aggrieved by reason of such assessment, it shall be lawful for him, in case the same shall be upon the premises situate in the said City, to appeal therefrom to the Common Council of the said City; and in case the assessment shall be upon premises in the said District of the said Parish of Portland, such appeal shall be to the General Quarter Sessions of the said City and County, and the decision in either case shall be final, and the assessment be amended by the said Commissioners in accordance with such order as may be therein made by the said Common Council or Sessions respectively, provided that all such appeals shall be made within thirty days after the demand of the amount assessed shall have been made upon the party so appealing; and in case at the time of such appeal said General Sessions of the Peace shall not be sitting, then the party appealing shall file his appeal at the office of the Clerk of the Peace for the City and County of Saint John, and a certificate under the hand of the said Clerk of the Peace, of the filing of such appeal lodged in the office of the Commissioners aforesaid, shall stay further proceedings to recover such rate until such appeal be determined at the General Sessions holden next thereafter.

4. All persons owning or occupying any premises liable to be rated under this Act, or the Acts to which this is an amendment, shall give correct and true answers and returns to the Water Commissioners, their officers, or persons appointed by them for the purpose, as to the occupation of any such premises and the use of water thereon, and the average yearly value of stock in trade, and all other personal property, wares and merchandise, within the City of Saint John on the eastern side of the Harbour, and in the Parish of Portland, in the districts to which the tax extends, owned by him or them, under a penalty for every neglect or refusal of a sum not exceeding twenty dollars nor less than five dollars; provided, however, that timber and lumber not piled on the wharves on the eastern side of the Harbour of Saint John shall not be liable to be taxed.

5. Among the detailed accounts required by the third Section of the Act passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law relating to Water Supply and Sewerage in the City of Saint John, and part of the Parish of Portland in the County of Saint John*, the said Commissioners shall render annually a statement shewing the whole amount collected, together with all sums in arrear and unpaid, and the names of the defaulters, so as to exhibit a debtor and creditor account of that part of the service, and file the same in the Common Clerk's office.

6. In lieu of the 25th Section of the said first recited Act, for any deficiency for each year in meeting the expenditure for water supply and consumption, and interest, under the said first recited Act or Acts in amendment thereof, beyond