

in case any of the said owners or occupiers of such corporate or private property shall decline making any such agreement, or appointing such arbitrators, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or to any one of the Judges thereof, stating the grounds of such application, and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County, and in case of the said Sheriff and of the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empanel a jury of five freeholders within the said County, who may be altogether disinterested, which jury upon their oath (which oath, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is and are hereby empowered to administer,) shall inquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such corporate or private property as aforesaid; and the inquisition, award or verdict of such jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, when taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation; which amount of such damages and costs shall be paid or tendered by the said Corporation to the person or persons, or body politic or corporate, entitled to the same, before the said Corporation shall be entitled to take possession of such property for the purposes aforesaid.

6. So soon as the main line of communication by the said Electric Telegraph, or any part thereof, or any of its branches or extensions, shall be complete and opened, it shall and may be lawful for the said Corporation at all times to ask, demand, take, sue for and recover to and for their own proper use, such rates, tolls, or dues, for the transmission and writing out of any and every message or communication of any kind transmitted and conveyed at the cost and charges of the said Company, by or upon the said Electric Telegraph, as the said Company may think just and reasonable.

7. The Governor shall have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said line of Electric Telegraph, branches and extensions, for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any stations with which the said line or any of its branches or extensions shall connect; and the rates of charges therefor shall not in any case exceed the rates of charges made to private individuals and others for the transmission of like messages.

8. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

9. Whoever shall wilfully break, throw down, cut, sever, injure, damage or destroy any of the works, machinery or

property of the said Company, or do any other act whereby the communication by the said line, or any branch or extension thereof, may be interrupted, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding three years, which punishment shall be in addition to any civil or other remedy for such offence.

10. In case the said Western Telegraph Company shall lease, underlet, transfer or set over to any person or persons, body corporate, or joint stock company, any line or lines of Telegraph owned by the said Telegraph Company, the said Western Company shall still remain liable under the terms of this Act for any fault, neglect, or miscarriage of the person or persons, or body corporate, or joint stock company, to whom such sale, lease, transfer or setting over shall be made; and the service of any writ, summons, process or paper in law or in equity, upon the President or other officer or Secretary of the said Western Telegraph Company, shall be sufficient in all respects, in all suits or actions either at law or in equity, to enable the plaintiff in any such suit or action for such fault, neglect, or miscarriage, to issue and have issued any execution or executions against the property or effects of the said person or persons, or body corporate, or joint stock company, or their assigns, or of the said Western Telegraph Company, on judgment duly obtained.

CAP. LXXII.

An Act to amend an Act intituled *An Act to provide for the erection of a City Hall in the City of Saint John.*

Section	Section
1 Sale of fishing lots may be postponed; upset price.	2 Sale may be for five years.
	3 Assessment for interest on debentures

Passed 17th June 1867.

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

1. That notwithstanding any thing contained in an Act passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act to provide for the erection of a City Hall in the City of Saint John*, it shall and may be lawful for the Committee of Common Council for the time being appointed under the seventh Section of the said recited Act, from time to time to postpone the sale of the fishing lots under the sixth Section of said recited Act, from the first Tuesday in January in any year to such other day or days in the month of January in any year as to the said Committee may seem best, and to fix an upset price upon any or all of the said fishing lots at the time of any sale or sales.

2. The Common Council of the City of Saint John may order and direct that the sale of any of the fishing lot or lots under said recited Act, may be for an extended time of not more than five years, and any lot or lots may be set up and sold for such term accordingly, at an annual sum or rate to be fixed at any such sale; and the purchaser and purchasers for any extended term shall pay such annual sum or sums for the first year at the time of sale, and in each subsequent year during the term, previous to the first Tuesday in January in each year in advance, otherwise such lot shall be set up again and sold with the general fishing lots as though such extended term had not been given.

3. In the event of a deficiency in any year in the amount required to pay the interest on the Debentures issued under said recited Act, the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council, shall order an assessment upon the City of Saint John on the Eastern side of the Harbour, and the inhabitants thereof, for a sum sufficient to meet such deficiency, which shall be assessed, levied and collected as provided by the Saint John City Assessment Act of 1859, and the several Acts in amendment thereof.