

CAP. XLI.

An Act relating to Water Supply and Sewerage for the Town of Portland.

Sec.	Sec.
1 Parts of former Acts repealed.	13 Drain from private house may be connected with Sewer.
2 Sewers may be laid down; damages how assessed.	14 Council authorized to borrow money; amount.
3 Appraisers to be sworn.	15 Issue of Debentures authorized.
4 Cost of Sewers, how apportioned.	16 Interest from what fund paid; Sinking Fund how formed.
5 Plan of Sewers & apportionment of cost to be filed with Town Clerk.	17 Assessment to meet interest, by whom ordered.
6 Cost of Sewers by whom paid.	18 Proportion of cost of Sewer, how determined.
7 Appeal against apportionment—when to be made.	19 Debenture when due, Treasurer to give notice.
8 In case of appeal, decision of Town Council to be final.	20 Damages how determined.
9 When apportionment may be confirmed, and when not.	21 Remuneration to Appraisers.
10 Apportionments how collected.	22 Not to affect suits now pending.
11 Apportionments to whom paid.	23 Parts of Acts repealed.
12 Power to enter upon lands.	

Schedules.

Passed 11th April, 1872.

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

1. So much of the seventh Section of an Act made and 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in the County of Saint John*, as limits the water district to any part of the present Town of Portland, is hereby repealed, and from and after the passing of this Act, the provisions of the said recited Act and of all Acts in addition or in amendment thereof, so far as the same are now applicable to that part of the Town of Portland described in the said seventh Section of the said recited Act, shall hereafter be taken and deemed to be applicable to the whole of the Town of Portland, except so far as the same are altered or amended by this Act.

2. Whenever it shall be deemed necessary or advisable by the Town Council to lay any public drain or sewer within the Town of Portland, the said Council shall by Resolution prescribe generally the extent and course of such drain and sewer, and appoint three qualified electors of the said Town not being resident of or owners of property in the Ward or Wards through which such drain or sewer shall pass, to assess and determine the proportion of the cost thereof to be borne by the parties through or along whose land the same shall pass, and by the said law as hereinafter provided.

3. The said appraisers shall before entering upon their duties, be sworn to the faithful discharge of their duties before any Justice of the Peace, which oath such Justice is hereby authorized to administer, and shall forthwith cause a survey and plan of such proposed drain or sewer, and of the lands bordering thereon or drained or improved thereby, to be prepared, and shall estimate so nearly as may be the probable cost of substantially laying and making the said drain or sewer, and of all damage occasioned thereby.

4. The said appraisers shall further apportion such part of the said cost to be borne by the Town of Portland as to them shall, in consideration of the benefit accruing generally to the said Town by reason of the making of such drain or sewer, seem meet, and shall apportion the remainder of the said cost equitably and fairly among the several owners and leaseholders of lands bordering on such drain or sewer, or in the opinion of the said appraisers to be benefited thereby, including therein any corporate bodies owning or leasing the same, in proportion to the value of their respective interests in such lands, and the benefit to be derived to them by the making of the said drain or sewer.

5. The said appraisers shall, so soon as may be, return the survey, plan and apportionment by them prepared, to the Town Clerk, to be laid before the Council, and the Town Clerk shall forthwith, on such return being made, and such plan and apportionment filed with him, give notice A, in the Schedule to this Act annexed, by publishing the same in one or more of the public newspapers published in the City and County of Saint John for at least ten days.

6. The cost and expenses of making and laying such drain or sewer shall be borne and paid by the said Town, and by the several owners or leaseholders of lands as aforesaid, in such proportion as the said appraisers shall determine, or in case of any appeal, then in such proportions as the Town Council shall determine, after deciding upon such appeal.

7. If any person, liable by any such apportionment to the payment of any sum of money, shall feel aggrieved thereby, he may, within twenty days from the first publication of the notice provided for in Section five of this Act, but not thereafter, unless by permission of the Town Council, on special grounds shewn therefor, and before such apportionment is confirmed, file with the Town Clerk an appeal against such apportionment; such appeal shall be, by way of petition, addressed to the Town Council, and shall set forth the appellant's grounds and reasons of appeal; before such appeal shall be filed, the appellant shall annex to the same an affidavit, made by himself, or in his absence, by his agent, before any Justice of the Peace, which oath he is hereby empowered to administer, that he verily believes, for the reasons and grounds set forth in such appeal, the said apportionment, so far as it relates to him, is inequitable and unjust; all such appeals shall come on to be heard by the Town Council without delay.

8. It shall be competent, in the determination of any such appeal, for the said Town Council to deal with the subject matter thereof in any way, and either to dismiss the said appeal, or comply in whole, or in part, with the prayer thereof; and if the Council, in case of any such appeal, should relieve the appellant from the payment of all, or any part of the sum for which, by the apportionment, he is liable, such sum shall be paid and borne by the Town, and added to the Town's proportion of the cost and expenses of such sewer; but if the Council, in any such appeal, should increase the sum for which, by the apportionment, the appellant is liable, which increase the Council is hereby fully authorized to make, then the amount of such increase shall be paid into the general funds of the Town, and belong to them; in all cases of appeal, the decision of the Town Council shall be final and conclusive, and no such apportionment shall be varied, set aside, or in any way altered, except by the Town Council, on appeal being made in manner aforesaid, neither shall the same be quashed by or removed by certiorari or other proceeding, into any Court.

9. In case no appeal be filed in manner aforesaid against any such apportionment, the same shall be declared by the Town Council confirmed, but in case any such appeal shall be filed, then such apportionment shall not be confirmed by the Council until the determination of all appeals relating thereto, after which confirmation no leave for appeal shall be given.

10. So much of the said costs and expenses as shall be borne by the said Town shall be paid from the general funds thereof, and forthwith upon the confirmation of any such apportionment by the Town Council as aforesaid, the Receiver