



BY AUTHORITY.

ANNO TRICESIMO SEXTO VICTORIÆ REGINÆ.

CAP. LXXIX.

An Act authorizing the appointment of Commissioners to ascertain and fix and assess for the amount due to the Commissioners of German Town Lake appointed under Act 22nd Victoria, Chapter 53.

Sec.	Sec.
1 Commissioners, how appointed; power of Commissioners to make assessments.	4 Relief to persons who paid under the assessment, set aside.
2 Assessment, how apportioned.	5 Commissioner dying, &c., vacancy how filled.
3 Assessment, how levied and collected.	

Passed 14th April, 1873.

WHEREAS the Supreme Court of the Province of New Brunswick, in Hilary Term, A. D. 1869, on the application of Elisha P. Turner, set aside an assessment for the sum of ten hundred and seventy five pounds three shillings and two pence, made by Agreen Tingley, Junior, Thomas W. Kenney, Michael Keiver, Joshua Bishop, and Edward Stevens, Commissioners of Sewers for the German Town Lake District, under the authority of 22nd Victoria, Chapter 53, bearing date the fourteenth day of December in the year one thousand eight hundred and sixty six, for work performed and labour expended in and for the Lake District, on the body of Marsh land, Bog land, Alder land, and land covered with water, from the twenty sixth day of April, A. D. 1861, to the fourteenth day of December, A. D. 1866, and also for land damages and other legal expenses, on the following grounds:—That the said assessment was bad, because the said Michael Keiver, one of the Commissioners of Sewers for the German Town Lake District, became contractor for the execution of certain work executed under their direction, and afterwards sat and voted with the other Commissioners when they decided that the work had been properly performed: That two of the said Commissioners being owners of land in the said District, were disqualified from acting as such Commissioners under 22nd Victoria, Chapter 53, their office being of a judicial character, and the Commissioners had no right to assess against the land, but should assess against the owner: And whereas several proprietors of the said Lake District paid the amounts assessed against their lands under the said assessment before the same was set aside; and whereas certain work was done by Michael Keiver, one of the said Commissioners, under the directions of the other Commissioners and for the benefit of the said Lake District; and whereas it is desirable, fair and just, that the owners of the land in the said German Town Lake District, (so called), as described in 22nd Victoria, Chapter 53, and in 23rd Victoria, Chapter 14, should pay for the work done and money expended by the said Commissioners or either of them, or under their direction, in cutting, making and maintaining the Canal from German Town Lake in the County of Albert, to Shepody River, and in dyking the marshes thereof, or any other labour connected therewith, since the twenty sixth day of April, A. D. 1861, to the fourteenth day of December, A. D. 1866, and also for all land damages and the legal expenses of the Commissioners connected with the said work and the said assessment; also for

the fees for assessing and collecting, and also for all other work performed by said Commissioners, their servants or agents, or under their directions; or for money expended in the said Lake District, and for land damages and Commissioners' expenses, subsequent to the fourteenth day of December, A. D. 1866, amounting to about two hundred dollars, notwithstanding the quashing of the said assessment as aforesaid;—

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

1. That the Governor in Council shall appoint three Commissioners, who shall be vested with full power to ascertain, fix and determine the amount due or to be paid by the said owners of the said Lake District for the work performed and money expended by the said Commissioners, Agreen Tingley, Junior, Thomas W. Kenney, Michael Keiver, Edward Stevens, and Joshua Bishop, in cutting and making, repairing and maintaining the Canal from German Town Lake to Shepody River, and in dyking the marshes thereof, or any other labour connected therewith, since the twenty sixth day of April in the year one thousand eight hundred and sixty one, under the authority of said 22nd Victoria, Chapter 53, and the amendment thereto, and for land damages, commission, and expenses, and also all sums due for fees, and the expenses of the said assessment so set aside or quashed as aforesaid, but not including the expenses of resisting the application to set aside the assessment; and upon ascertaining and fixing the amount so due and to be paid, the said Commissioners are hereby authorized and empowered and required to make and order an assessment upon the owners of the land in the District, as mentioned and described in the said Act of Assembly, 22nd Victoria, Chapter 53, and in 23rd Victoria, Chapter 14, notwithstanding any law passed since altering the boundaries of said District, together with the expenses and charges of said assessment, levying and collecting, and Commissioners' charges, not exceeding six dollars each per day for each day they may be respectively employed in executing their Commission.

2. Such Commissioners in making such assessment, having due regard to quantity and quality of land of each proprietor respectively, and benefits received and to be received, allowing for a difference of improvement in different lots according to locality with respect to flowage of tide-water or any local benefit, and shall take into consideration and allow such amount for improvements at any time heretofore made by any proprietor or owner of land in said District, and for any labour or money he may have expended in cutting, making, repairing or maintaining any canal or dyke made in said District, and for any legal taxable costs incurred by any Commissioner or proprietor by litigation in reference to said District, as they may consider just and reasonable.

3. The said assessment to be assessed, levied and collected in like manner as other assessments made by the Commissioners of Sewers for the said County are or were directed, assessed, levied and collected; and the said assessment when collected shall be paid to the said Commissioners appointed under this Act, and by them shall be appropriated in paying the said amount so fixed and determined by them, and the expenses of assessing, levying and collecting, and the expenses of the said Commission.

4. Provided always, that the said Commissioners shall, in ascertaining and determining the amount due as aforesaid,