

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

1. So soon after the passing of this Act as the Town Council of the Town of Portland shall deem expedient, they shall appoint by warrant under the corporate seal of the Town, signed by the Chairman of the Town Council, three fit and proper persons to be Appraisers for the purposes of this Act and an Act made and passed in the thirty fifth year of Her present Majesty's Reign, intituled *An Act relating to Water Supply and Sewerage for the Town of Portland*, which persons, when so appointed, shall continue in office until others shall be appointed in their places.

2. Before any such Appraiser shall enter upon his duties he shall be sworn to the faithful discharge of the same before a Justice of the Peace for the City and County of Saint John, who shall endorse on the warrant of appointment of such Appraiser a certificate of the date and place at which such oath was administered; and the warrant, when so endorsed, shall be deposited with the Town Clerk of the said Town and retained among the records thereof.

3. In case of the death, resignation or removal from office of any Appraiser before the completion by the Appraisers of their duties in reference to any particular drain or sewer, by returning the survey, plan and apportionment for the same in accordance with Section seven of this Act, it shall be competent for the Town Council either to allow the remaining Appraisers to complete such duties, or by warrant as aforesaid, to appoint a successor to the Appraiser so dead, resigned, or removed, who shall, in such case, assist in the completion of such duties; and in both cases the surveys, plans, and apportionment, and other acts in connection with such drain or sewer, shall be held and taken to be as good and binding upon all parties as though the same had been done, made, prepared and returned by the three original Appraisers.

4. Whenever it shall be deemed advisable or necessary by the Town Council of the said Town that any public drain or sewer should be laid or constructed within the limits of the said Town, the said Council shall by resolution determine and prescribe generally the course and extent of such drain or sewer, its dimensions, and the nature of the material of which the same is to be constructed, and the said Town Council may for that purpose procure from competent Engineers or Surveyors such surveys, plans, estimates and data as they may think proper.

5. On the resolution provided for by the last preceding Section being passed by the Town Council, and notified to the said Appraisers, they shall forthwith proceed to make an estimate, so nearly as may be, of the probable cost of substantially laying and making the drain or sewer provided for in such resolution, and of all damage occasioned thereby, in which cost shall be included the cost and expense of all surveys, plans, estimates and data procured by virtue of this or the last preceding Section; if the said Town Council shall not have under the last preceding Section already procured a survey and plan of such proposed drain or sewer, and of the lands bordering thereon, or drained or improved thereby, or if in the opinion of the said Appraisers such survey and plan shall not be sufficient to enable them to make their said estimate of the cost of such drain or sewer, the said Appraisers are hereby authorized and they shall forthwith cause to be made a complete survey and plan of such proposed drain or

sewer, and of the lands bordering thereon, or drained or improved thereby, showing on such plan the lands among the owners or lease holders of which they shall apportion the three-fourths of the cost of such drain or sewer as provided by Section six of this Act.

6. It shall be the duty of the said Appraisers, and they are hereby required so soon as they shall have made their said estimate as aforesaid, to apportion three-fourths of the amount so estimated equitably and fairly among the several owners and lease holders of lands bordering on such drain or sewer, or on the street or road through or along which such drain or sewer shall pass, and the owners and lease holders of lands in the opinion of the said Appraisers to be benefited by such drain or sewer (including in such owners and lease holders all corporate bodies) in proportion to the value of their respective interests in such lands and the benefit to be derived to them by the making of such drain or sewer; such apportionment shall set forth the amount apportioned to each of the said owners or lease holders of lands, and they shall respectively be liable to pay to the said Town the sums so apportioned, or in case of appeal the sums determined by the Town Council on such appeal; the remainder of the whole cost and expense of making and laying such drain or sewer shall be borne and paid by the said Town.

7. The said Appraisers shall as soon as may be return the survey, plan and apportionment by them procured and made to the Town Clerk, to be laid before the Town Council as directed by Section five of the said recited Act, and the Town Clerk shall proceed therein as directed by Section five of the said recited Act.

8. The Appraisers appointed under this Act shall, in addition to the necessary expense of plans and surveys, be entitled to receive for their services in connection with any such drain or sewer, such remuneration as the Town Council may determine, not to exceed the sum of fifty dollars each.

9. Sections two, three, four, six and twenty one of the said recited Act are hereby repealed.

#### CAP. XCI.

An Act in addition to an Act to authorize the Town of Portland to raise money by way of loan for the purchase of a Steam Fire Engine, and extension of the Fire Alarm Telegraph to the said Town.

Sec.	Sec.
1 Sec. 1 of cap. 49, 35 Vic. repealed, and new Section made. Loan authorized; amount.	2 New Section to apply to above Act. 3 Town Council authorized to purchase Steam Fire Engine.

Passed 10th April, 1875.

WHEREAS the sum of ten thousand dollars, authorized to be borrowed by the Town Council of the Town of Portland in and by the said recited Act, has been found insufficient for the purposes of the said Act, and of an Act passed in amendment thereto in the thirty sixth year of Her Majesty's Reign, by which last mentioned Act the expense of erecting an Engine House was to be paid out of the moneys so borrowed, and for the purposes of efficiently managing the Fire Department of the said Town; and the Town Council of the said Town are therefore desirous of being authorized to make a further loan for the purposes of the said Fire Department;—

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

1. Section one of an Act made and passed in the thirty fifth year of Her present Majesty's Reign, intituled *An Act*