



BY AUTHORITY.

ANNO TRICESIMO OCTAVO VICTORIÆ REGINÆ.

CAP. LXIX.

An Act in addition to an Act intituled "An Act relating to the Great Marsh in Hopewell, in the County of Albert."

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| <p>Sec.<br/>1 Act 32nd Vic., Cap. 75, to apply to certain part of Great Marsh.</p> | <p>Sec.<br/>2 Name by which Marsh shall be known.<br/>3 Saw Mill Creek a lawful fence.</p> |
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Passed 10th April, 1875.

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

1. That all that part of the Great Marsh in the Parish of Hopewell, in the County of Albert, lying to the north of the Common Field, called "Westfield," established by virtue of an Act made and passed in the thirty second year of Her Majesty's Reign, intituled *An Act relating to the Great Marsh in Hopewell, in the County of Albert*, and bounded as follows:—Commencing at the old gateway mentioned in the said Act, and thence following the course of the old Peck line, or an extension thereof northwardly, until it strikes the north side line of Thomas Pearson's marsh or an extension thereof, thence following the course of the said north side line of Thomas Pearson's marsh westerly until it strikes Saw Mill Creek, thence following the said Creek and the various courses thereof southerly until it meets the boundary of the said Common Field, called "Westfield," as established by the said recited Act, and made liable to and brought under all the provisions of the said recited Act.

2. The said Common Field, established by the said recited Act, with the marsh hereby incorporated therewith, shall together be known and styled by the name of "Westfield."

3. The said Saw Mill Creek as above described in this Act is hereby established as a lawful fence or enclosure.

CAP. LXX.

An Act to alter and amend the Law relating to the collection of Rates and Taxes in the Parishes of Lancaster, Simonds, and Saint Martins, in the City and County of Saint John.

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| <p>Sec.<br/>1 To what Parishes Act shall apply.<br/>2 Collectors not to sue defaulters; Collectors to file list of defaulters with Clerk of the Peace.<br/>3 Clerk of the Peace to forward list to Magistrate for collection; Magistrate to give notice.</p> | <p>Sec.<br/>4 After expiration of notice, Magistrate to collect.<br/>5 Money collected by Magistrate, to whom paid.<br/>6 When Magistrate shall make return to Clerk Peace.<br/>7 Magistrate not required to make affidavit.</p> |
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Passed 10th April, 1875.

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

1. This Act shall apply to the Parishes of Lancaster, Simonds, and Saint Martins, in the City and County of Saint John, only; and the word "Parish," when used herein, shall include and apply to each and all of the said Parishes.

2. From and after the passing of this Act the Collector of Rates and Taxes in any of the said Parishes shall not take proceedings against defaulters, as by the Revised Statutes and other Acts is now provided by law, but it shall be his duty in lieu thereof, in the first place to use all care and diligence to collect the rates and taxes which he may be ordered to collect, by personal application or by notice, as

provided by law, to the ratepayers; and upon the first day of October, or within ten days thereafter, in each and every year, to return into and file in the Office of the Clerk of the Peace for the said City and County, either the assessment list or lists received by him from the Assessors, or true copies thereof, shewing correctly and clearly therein the persons whose taxes have been made; and such list or copy shall also be accompanied by an affidavit in writing of him, the said Collector or other person acting for him, stating upon oath that all persons whose names were included in such list or lists, and whose rates and taxes then remained unpaid, had received such demand or notice to pay the same as was required by law, or if in any case such demand or notice had not been duly made or given, stating the reasons therefor; and upon the Collector so filing any lists, or a copy thereof, he shall be entitled to a receipt for the same from the Clerk of the Peace, and his duties in respect of such list, as Collector, shall from thenceforth cease and determine, and no further payment thereon shall be made to or received by him, or if made, shall be no bar to the issue of execution against such defaulter in the manner hereinafter provided.

3. The Clerk of the Peace shall, immediately upon any such assessment list or copy being so filed in his office, forward the same, with the affidavit accompanying, to a Magistrate residing in the Parish where such assessment is made, who, upon receiving the same, shall insert for the space of ten days, in at least one daily and one weekly newspaper published within the said City and County, a public notice that such list had been placed in his hands for collection, and that against all defaulters named therein, who should not before the expiration of such notice make payment at his office, execution would forthwith issue.

4. At the expiration of such notice, the said Magistrate shall proceed to collect all such rates and taxes as provided by law, and shall and may have and make use of all or any of such means for collecting the same, as such Collectors or any Justice might, previously to the passing of this Act, have had and used: The notice required to be given by the Magistrate by this Act shall answer instead of any demand or notice which the Collector might or should have made or given, in case he shall not have made or given the same; and this Act shall apply to the defaulters of any year previous to the passing of this Act, as well as to those who may become and be defaulters after the passing hereof.

5. All moneys collected by the said Magistrate under this Act, shall be paid in by him to the several funds or services to which the same are by law made payable, in due proportion, on the first Monday in each month, or oftener if he see fit, subject only to the deduction by him in the first place of his costs and expenses.

6. On or before the first day of February in each year, the said Magistrate shall make return to the said Clerk of the Peace of the state of all defaulters' lists in his hands for collection, the amount collected and paid in by such Magistrate, and all amounts unpaid and uncollected, with the reasons why the same have not been collected; and such return or returns shall go to and be examined and reported on by the County Auditor in the same manner as other County Accounts.

7. The Justice shall not be required before issuing execution to make the affidavit required to be made by the Collector under the provisions of the twenty fifth Section of Chapter fifty three of the Revised Statutes.