

CAP. IX.

An Act concerning Tender in Actions at Law and Suits in Equity.

Section.

1. Consent to judgment for a sum certain.
2. Costs, if no more be recovered.

Section.

3. No consent not accepted to be evidence.

Passed 3rd April 1855.

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

1. From and after the passing of this Act, whenever any defendant in any Action at Law, or in any Suit in Equity, wherein debt or damages only are sought to be recovered, pending in any Court in this Province, shall file in the office of the Clerk of the Court in which such suit or action is pending, or with the Justice in case the suit is pending in the Court of any Justice of the Peace, an offer and consent in writing to suffer judgment by default, and that judgment shall be rendered against him as debt or damages for a sum by him specified in the said writing, the same shall be entered of record, together with the time when the same was tendered, and the plaintiff or his Attorney may, at any time within ten days after he has received notice of such offer and consent, file as aforesaid a memorandum in writing of his acceptance of judgment for the sum so offered as debt or damages, and judgment may be entered up accordingly, with costs; or if after such notice any Judge of the Court in which such offer shall be made, shall for good cause grant the plaintiff a further time to elect, then the plaintiff may signify his acceptance as aforesaid, at any time before the expiration of the time so allowed, and judgment may be rendered upon such acceptance as if the acceptance had been within ten days as aforesaid; provided always nevertheless, that nothing herein contained shall extend or be construed to extend to actions of replevin.

2. Whenever in the final disposition of any such suit or action as is named in the preceding Section, such offer and consent as is therein named shall have been made by the defendant, and the plaintiff shall not recover a greater sum than the sum so offered, not including interest on the sum recovered in debt or damages from the date of such offer, the defendant shall have judgment against the plaintiff for his costs by him incurred after the date of such offer, and execution shall issue

*Vide. Post. Int.
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therefor ; and the plaintiff, if he shall recover any debt or damages, shall be allowed his costs only up to the date of such offer and consent.

3. No offer or consent made in accordance with the foregoing Sections, which shall not be accepted, shall be evidence against the party making the same, either in any subsequent proceeding in the action or suit in which such offer is made, or in any other action or suit.

CAP. X.

An Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John.

Section.

1. Commissioners to be appointed
2. Canterbury Street to be opened ; survey and plan.
3. Estimate, assessment and report to be filed with Common Clerk ; contents of report.
4. Public notice of filing report ; objections may be made.

Section.

5. Payments, how and when made or enforced.
6. Apportionment of sum to be assessed.
7. Lien and liability for sum assessed ; recovery.
8. Three Commissioners may act.
9. Their remuneration.
10. Cross Street may be widened.

Passed 3rd April 1855.

WHEREAS the opening of a Street from Church Street to Princess Street in the City of Saint John, is deemed highly expedient and necessary ;—

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

1. It shall and may be lawful for the Governor in Council to nominate and appoint, and also to re-appoint and supply as it may be necessary or expedient, three or more discreet and disinterested persons, Commissioners for the purpose of performing the duties hereinafter in that behalf prescribed, which said Commissioners before they enter on the performance of the duties of their appointments, shall severally take and subscribe an oath or affirmation before any Justice of the Peace in and for the City and County of Saint John, faithfully to perform the trust and duties required of them by this Act.

2. A Street to be called Canterbury Street, shall be opened in the City of Saint John from Church Street to Princess Street, and the western line of such street shall start from a point on Church Street one hundred and ninety feet from Prince William Street, and run parallel to Prince William Street to a point on Princess Street, one hundred and ninety feet from