

5. The owner of any land or property required for the purposes of this Act, who may be willing to make a free cession thereof, may signify the same to the said Commissioners by note or memorandum in writing, under his hand, which note or memorandum shall be annexed to the Report of the Commissioners, and shall be a bar to any claim that may be set up by the said owner, or any person claiming under him, for or in respect of such land; and the said Commissioners shall omit the said land and property in the estimate and assessment of the value of lands, tenements, and premises required for widening the said Street.

6. The Mayor, Aldermen, and Commonalty of the City of Saint John, shall not become possessed of the lands and premises required for widening the said Street, until they are prepared to pay the amounts assessed, as and for compensation and recompense to the respective owners or persons entitled to receive the same, and shall actually pay or tender the same, or pay the same into the Equity side of the Supreme Court for the benefit of the persons or parties entitled to receive the same, pursuant to the provisions of the Act first above recited, when they may enter and take possession thereof, or of any part thereof, without any suit or proceeding at law, and may take down or remove any building or part of a building, erection, or improvement of any description on the said lands, tenements, hereditaments, and premises, for the purpose of widening the said Street as aforesaid.

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### CAP. XLIII.

An Act in addition to and in amendment of certain Acts relating to Canterbury Street, in the City of Saint John.

Interest to be allowed, and assessment made for amount due.

Passed 13<sup>th</sup> April 1859.

WHEREAS the fifth Section of an Act of Assembly made and passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street, in the City of Saint John*, contemplates the payment of interest on the award made by the Commissioners for opening the said

Street, to any person or persons whose lands or property had been taken, on such sum or sums of money as may be due or remaining unpaid, after application has been made by the party or parties whose property has been taken : And whereas the amounts paid previous to the passing of the Act 21 Victoria Chapter 46, are all entitled to interest from the period when due up to the several times of payments made, as equitably due as the sums remaining unpaid at the time of the passing of the aforesaid Act ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Interest Account shall be made up with the several persons who had or have claims for property taken by the Commissioners for opening said Street according to the awards made, charging interest on the awards made from the first day of May one thousand eight hundred and fifty five to the time of payment of any part of the said amount so awarded, deducting amounts paid, and then continuing the balance on interest until a further payment, and so on until the whole principal and interest is fully liquidated ; and it shall be the duty of the Mayor, Aldermen, and Commonalty of the said City of Saint John, and they are hereby empowered and directed to order an assessment forthwith, for the eastern side of the said City, and cause to be collected, and paid over so soon as collected, to the parties to whom the awards have been severally made, such amount as may be required to liquidate in full their respective amounts of interest due as above described.

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### CAP. XLIV.

An Act to authorize the extension of King's Street, in that part of the City of Saint John called Carleton.

Section.

1. Commissioners, appointment of; oath.
2. Authority to extend King's Street in Carleton.
3. Estimate of lands, &c. required, and apportionment of moiety on parties benefited : Plan and report—effect of.
4. Notice of estimate and apportionment before filing report; objections.
5. Damages, when and to whom payable.

Section.

6. Payments by parties benefited : Assessment for other moiety and expenses.
7. Lien for amount of benefit : Recovery.
8. Notice and conveyance by Sheriff : Agreements : Payments by wrong parties.
9. Acts of majority of Commissioners binding.

*Passed 13th April 1859.*

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