

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1793. Fredericton: J. Ryan, 1793.

33 George III – Chapter 8

An Act to levy an Assessment on the Proprietors of the Township of Sackville, for defraying the Expences of a Survey and Plan of said Township.

Whereas, from the loss of boundaries and inaccuracies of surveys heretofore made in the Town of Sackville in the county of Westmorland, difficulties have arisen in ascertaining with precision the boundary lines between adjoining proprietors, who have generally agreed to a new survey of the lands in the said Town, as nearly as possible conforming to the ancient boundaries in the original plan, whereby expence has been incurred, which ought equally to be borne by the different proprietors in proportion to their interests.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That, Charles Dixon and Jonathan Burnham, Esquires, and Mr. Hezekiah King be, and they are hereby appointed Commissioners with full power and authority to examine, liquidate and adjust all accounts relative to the survey and plan of the said Town of Sackville, and the amount of the said sum of the expence of the said survey and plan being so adjusted, the said Commissioners shall and may assess the same upon all owners and proprietors of any lands lying within the limits of the said survey as equally as may be, in proportion to the actual expences incurred by the survey and plan, on each lot or right, and the benefits to be received by the different proprietors of each lot or right respectively, according to the best knowledge and discretion of the said Commissioners: And the said assessment being so made, and public notice thereof given in writing within the said Town of Sackville at the Court-house of the said county of Westmoreland, it shall be the duty of each and every proprietor, resident in this province at the time of making and publishing the said assessment as aforesaid, to pay their respective quotas or shares of such assessment within three months after the same shall be made; and it shall also be the duty of every proprietor absent from this province at the time of making and publishing the said assessment as aforesaid, to pay his respective quota of such assessment within nine months from the making and publishing such assessment as aforesaid. And in case any proprietor resident in this province as aforesaid, shall neglect or refuse to pay his quota of such assessment within three months as aforesaid, or any proprietor absent from this province at the time of making and publishing the said assessment as aforesaid shall neglect or refuse to pay his quota of such assessment within nine months as aforesaid, the said Commissioners shall and may issue a warrant under their hands and seals directed to the Sheriff of the county or constable of the said town, with their bill of assessment thereto annexed, thereby commanding them to levy and collect the quota of each delinquent proprietor, or the goods and chattels of such delinquent, respectively.

II. And be it further enacted, That in case no goods or chattels of such delinquents shall be found and no person shall appear to pay the quota or proportion of such delinquent proprietor in such assessment made as aforesaid, such Commissioners, or any two of them, shall by advertisement during three months in the Royal Gazette and also at the said Court-house, cause notice to be

given for letting out the lands of such delinquent proprietor in the said town or so much thereof as shall answer such proprietors assessment with the charges, and thereupon may proceed to lease the same for such term as shall be necessary for that purpose.

III. And be it further enacted, That, no possession to be acquired under the said survey or this act shall be taken or deemed to be an adverse possession against the real owner or enable the person or persons acquiring such possession or any person or persons claiming under them, to plead or give the same in evidence to intitle him or them to the benefit of the act of limitation.

IV. And be it further enacted, That, the sum to be raised or assessed under this act shall not exceed the sum of one hundred and twenty pounds anything herein before contained to the contrary thereof in any wise notwithstanding.

V. And be it further enacted, That, the before mentioned plan shall be completed and deposited with the Town clerk of the said town or parish of Sackville for the time being, or such person as the majority of the proprietors in the said town of Sackville shall from time to time nominate for that purpose, for the inspection and use at all times gratis, of persons interested in the lands contained in the said plan or any part thereof previous to the making such assessment as aforesaid.