

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1837. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1837.

7 William IV – Chapter 9 (Session 1)

An Act to authorize the Mayor, Aldermen and Commonalty of the City of Saint John, to widen the Bridge between the said City and Parish of Portland. Passed 1st March 1837.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Mayor, Aldermen and Commonalty of the City of Saint John shall have full power and authority to increase the width of the bridge commonly called the mill bridge, lying partly in the said City and partly in the said Parish, on the eastern side thereof, to such an extent as shall form a public bridge, road or highway of not less than forty nor more than fifty feet in breadth in every part thereof, and the same shall, when completed, be one of the public and common highways of the City and County of Saint John: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the said Mayor, Aldermen and Commonalty, in any manner to stop, hinder or diminish the passing of the water, or any boats, timber, logs or other thing whatever, into or out of the mill pond on the eastern side of the said mill bridge, in any flood gates, sluice, flume or other channel or passage now used for such purposes, through or under the said mill bridge, without the consent of the proprietor of the said mill pond.

II. And be it further enacted, That as well the value of the land or flats over which such extension of breadth shall pass, as the value of all buildings and improvements of the owner or owners thereof, and his or the lessee or lessees; which may be injured, required to be removed or otherwise deteriorated in value, or the damage to be sustained thereby, shall be paid for by the said Mayor, alderman and Commonalty, to be ascertained as follows, to wit: if the said Mayor, Alderman and Commonalty cannot agree with any such owner or owners, lessee or lessees as to the amount of compensation to be paid to them, or any one or more of them respectively, then and in such case such compensation shall be ascertained by five indifferent persons, two to be chosen by each party, which four persons, shall choose a fifth, the valuation of which five persons or any three of them, made in writing under their hands and seals, shall be taken to be the true compensation to be paid by the said Mayor, Aldermen and Commonalty to and received by the person or persons submitting to such reference; provided such award shall be made and ready to be delivered to the parties within fourteen days after the date of the same submission; and in case of the refusal of any such owner or owners, lessee or lessees with whom a private agreement cannot be made as aforesaid, to nominate and appoint two persons to make such valuation, or in case of the failure of the said arbitrators to make any valuation as aforesaid under their hands and seals or the hands and seals of any three of them as aforesaid, within fourteen days, after they shall have been chosen and appointed as aforesaid, it shall and may be lawful for the said Mayor, Aldermen and Commonalty to make application to any two Justices of the Peace for the City and County of Saint John, who are hereby required to issue a warrant, directed to the High Sheriff of the said City and County, commanding him to summon a Jury of twelve disinterested freeholders of the County of Saint John, not being resident within the said City, well and truly to assess such compensation so to be made to such person or persons respectively so refusing to agree with the

said Mayor, Aldermen and Commonalty, or submit to such reference, or in which no award shall have been made as aforesaid, which Jury so summoned shall assess the amount of compensation to be paid to such person or persons respectively; and the said Mayor, Aldermen and Commonalty shall in all cases pay or tender to be paid to the parties severally interested the full amount of the compensation to be agreed upon or found in either of the ways above mentioned, before they the said Mayor, Aldermen and Commonalty shall be entitled to take possession or proceed with the work of widening the said bridge.

III. And be it enacted, That the said Sheriff shall immediately upon receiving such warrant cause public notice thereof to be advertised in all the public prints of the City of Saint John, and forthwith proceed to summon the said Jury, and shall at the time and place specified for the meeting of the said Jurors in the said warrant, (which shall not be less than thirty days from its date,) swear the said Jurors well and truly to execute the duty required of them by this Act; and if any witnesses shall be required by the said Mayor, Aldermen and Commonalty or any party or parties claiming an interest in the erections necessary to be removed, or in the land to be passed over, the said Sheriff shall summon such witnesses to give evidence touching the value of the same, and the damages to be occasioned by the removal of the said erections and passing over the said land, which said witnesses on refusal or neglect to attend and give evidence shall be subject to such damages as persons neglecting or refusing to attend and give evidence when duly subpoenaed are made subject and liable to by an Act made and passed in the fourth year of His present Majesty's reign, intituled "An Act to regulate proceedings before Justices of the Peace in civil suits;" and all expenses attending the making of this assessment shall be ascertained by the said sheriff, and after being taxed by the Clerk of the Peace for the City and County of Saint John, according to the fee table of allowances to Justices, Sheriffs, Jurors and Witnesses in similar cases, and to the sums actually paid by the said sheriff for advertising and other necessary charges, shall be paid by the said Mayor, Aldermen and Commonalty to the said sheriff, for the services of the several persons mentioned in the taxed bill, at the same time that the amount of the said verdict of the said Jury shall be paid, and in like manner, in case of arbitration, all the expenses attending the arbitration shall be paid by the said Mayor, Aldermen and Commonalty, and then the said Mayor, Aldermen and Commonalty shall be at liberty to proceed to the removal of such erections, and passing over and covering the said land.