

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1840. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1840.

3 Victoria – Chapter 83

An Act to alter and amend an Act, intituled “An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein.” Passed 31st March 1840.

Whereas by an Act made and passed in the third year of the Reign of Her present Majesty Queen Victoria, intituled “An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein,” it is provided, that the Commissioners appointed under the provisions of the said Act have full power to enter upon the lands and tenements in the district named in the said Act, for the purpose of widening, altering, straightening, enlarging and opening certain Streets, called Dock Street, Nelson Street, and Smyth Street, and to estimate the value of the lands required for widening, extending, altering, straightening, enlarging and opening the said Streets, and to assess and apportion three fourth parts of the amount of such estimated value on all the parties interested in any lands, tenements, and hereditaments within the said district, including the parties interested in such lands, tenements, and hereditaments required for the purpose of such Streets respectively, according to their best discretion, in proportion to the benefit accruing to such parties respectively from the improvement of the said Streets, and to file a plan, with the report of their doings, in the Office of the Common, Clerk of the said City of Saint John; And whereas by the said Act, the remaining one fourth part of the estimated value of the said land and premises should be paid by the inhabitants of the said City, on the eastern side of the harbour of Saint John; And whereas the Commissioners appointed in pursuance of the said Act have entered upon the duties required of them by the said Act, and among other things have widened Dock Street to the extent of sixty feet; And whereas the widening of the said Street to sixty feet has been found injurious, and it is deemed advisable to reduce the width of the said Street called Dock Street to fifty feet, and also to alter the mode by which the assessment of value of the lands required for widening, extending, altering, straightening, enlarging and opening the said Streets, should be made

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the plans and report, and estimate of damages of the Commissioners appointed under the aforesaid in part recited Act, and filed with the Common Clerk in the City of Saint John, be and the same are hereby declared to be null and void and of no effect.

II. And be it enacted, That so much of the said in part recited Act as requires three fourths of the amount of the estimated value of the lands, tenements and hereditaments required for widening, extending, straightening, enlarging, opening and laying out the said Streets, to be assessed upon any of the parties interested in any of the lands, tenements and hereditaments within the said district, including the parties interested in such lands, tenements and hereditaments, required for the purpose of such Streets respectively be and the same is hereby repealed.

III. And be it enacted, That the Commissioners heretofore appointed or hereafter to be appointed, reappointed or supplied, according to the provisions of the said in part recited Act, for the purpose of widening the said Streets and estimating the damage arising therefrom, under and by virtue of the said hereinbefore in part recited Act, be and they are hereby authorized and empowered to extend Dock Street to the width of fifty feet in the whole, by adding ten feet only to the former width, from the eastern side of the said Street, and to make the like plans and estimates, as well for Dock Street as for Nelson and Smyth Streets aforesaid, as are contemplated in and by the third Section of the said Act, which said plans and estimates, with the report of the said Commissioners, when filed with the Common Clerk of the said City, shall have the like force and effect as the plan, estimate and report mentioned in the same third Section of the said Act.

IV. And whereas the sum of three thousand pounds has been granted by the Legislature towards carrying into effect the contemplated alterations in the said Streets; Be it therefore enacted, That the residue of the estimated damages be divided, apportioned, and assessed as follows: One third thereof be assessed upon and paid by all the parties interested in any lands, tenements and hereditaments within the district particularly described in the preamble of the said Act to which this is an amendment, including the parties interested in such lands, tenements and hereditaments required for the purpose of the said alterations; One other third part of the said residue to be assessed as directed in and by the sixth section of the said Act to which this is an amendment, and the remaining other third part to be paid by the Mayor, Alderman and Commonalty of the said City out of the Corporate funds of the said City.

V. And be it enacted, that the time mentioned in the fifth section of the Act to which this is an amendment, for paying the respective persons and parties mentioned or referred to in the report of the Commissioners, be extended to six months after the filing of the report of said Commissioners under this Act.