

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1844.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1844.

7 Victoria – Chapter 43

**An Act further to facilitate the means of supplying the City of Saint John with Water. Passed 13th April 1844.**

Whereas the incorporation of the Saint John Water Company has proved highly beneficial to the public, and copious supply of Water gratuitously afforded by the said Company for the extinguishment of the several calamitous fires which have so frequently occurred in the said City, has been the means, under Providence, of preserving the said City from almost total destruction; and it is just and reasonable that property thereby deriving benefit from the said Company, should in future be made liable to contribute towards the charges and expenses of establishing, upholding and preserving the same;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the said Saint John Water Company, and they are hereby required within six calendar months after the passing of this Act, by Public Notice in any two or more of the Newspapers published in the said City, to require all Stockholders in the said Company who may not have paid in the whole amount of their capital stock, or the representative or representatives of such Stockholders, to pay in all the residue of the same remaining unpaid within such time and in such manner as the said Saint John Water Company may in such notice direct; and in case default shall be made in the paying in of such capital stock so directed and required to be paid in, then and in such case, all and every share and shares upon which such default shall have been made, shall be and become, and is, and are hereby declared to be forfeited to the use of the said Saint John Water Company, and it shall and may be lawful for the said Saint John Water Company thereupon to sell and dispose of the said share or shares so forfeited by public auction, first giving at least thirty days notice of the time and place of such sale in one or more of the Newspapers published in the said City, and to apply the proceeds of such sale to and for the use and benefit of the said Saint John Water Company.

II. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City of Saint John, in Common Council assembled, and they are hereby required once in every year between the first day of April and the first day of June in each and every year, by Warrant under their Common Seal, directed to the Assessors hereinafter mentioned, to order a Rate and Assessment of a sum not to exceed the sum of three hundred pounds, together with the sum of seven pounds ten shillings per centum for assessing and collecting the same, to be made in due proportion upon the owner or owners of every Store, House, Out House, or other building situated at the Eastern side of the Harbour of the said City, which said Rate or Assessment so to be made shall be collected by a Collector to be, by the said Mayor, Aldermen and Commonalty of the said City, for that purpose from time to time appointed, and the appointment of whom by such Mayor, Aldermen and Commonalty, is hereby authorized and directed to be made; and in case any person or persons so rated and assessed, shall neglect or refuse to pay the sum or sums of

money rated upon him, her or them, it shall and may be lawful for the said Collector to sue for and recover the same by action of debt or assumpsit in his own name in the Court of Common Pleas, or City Court of the said City, in like manner as any other demand can or may be sued for, prosecuted and recovered in the said Courts respectively.

III. And be it enacted, That in case any person or persons shall think him, her or themselves aggrieved by any rate or assessment to be made as aforesaid, it shall and may be lawful for them respectively within the space of five days after the sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City, and whose decision shall be final and conclusive, and that a memorandum in writing of such appeal, filed in the office of the Common Clerk within the said Term, shall suspend further proceedings until such decision shall be had.

IV. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City of Saint John, to appoint annually, during the continuance of this Act, three discreet persons, being Freemen of the said City, to act as Assessors, under the provisions of this Act, who shall be sworn to the faithful discharge of such duty before the Mayor or Recorder of the said City; and any person so appointed, who shall neglect or refuse to accept such appointment, or to become qualified, or having become qualified shall refuse or neglect to perform his duty, shall for each and every neglect or refusal forfeit and pay the sum of five pounds, to be recovered upon conviction before the Mayor or Recorder of the said City, and levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the said Mayor or Recorder, and paid into the hands of the Chamberlain of the said City, to be applied for such uses and in such manner as the Common Council may direct; and the said Mayor, Aldermen and Commonalty of the said City may appoint some other person or persons, being Freemen, in the stead of any person or persons so refusing to act or become qualified, so often as such shall be the case, which person or persons so to be appointed in the stead of such neglecting or refusing person or persons, shall be liable to the same and like penalties for neglect or refusal as the said neglecting or refusing person or persons, to be in like manner recovered, paid and applied, and so *toties quoties*.

V. And be it enacted, That the said Collector hereinbefore mentioned to be appointed, shall from time to time, as he shall receive the same, pay over the monies by him collected under the authority of this Act, into the hands of the President or Secretary of the Saint John Water Company for the time being, after deducting therefrom at and after the rate of seven pounds ten shillings per centum, for assessing and collecting the same as aforesaid.

Provided always and be it enacted, That no such assessment shall at any time be ordered, unless it shall be made clearly to appear to the reasonable satisfaction of the said Common Council, by certificate or declaration under Oath, of the President of the said Saint John Water Company, that the income of the said Saint John Water Company for the year then preceding hath not been sufficient to defray the annual legal interest on the invested Capital of the said Saint John Water Company, with all necessary expenses; and provided further, that the said Saint John Water Company shall always, during the continuance of this Act, have, keep and maintain the various works of the said Saint John Water Company, and all the fire plugs now or hereafter to be

established, in good, sufficient and effective serviceable order, so as to be immediately available in all cases of fires, free of all expense, costs or charge to the said City or its inhabitants.

VII. And be it enacted, That this Act shall continue and be in force till the first day of October which will be in the year of our Lord one thousand eight hundred and forty seven, and no longer: Provided nevertheless, that nothing in this section contained shall be construed to prevent the recovery of any rate or rates or assessment made within the said period of three years.