

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1854. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1854.

18 Victoria – Chapter 6

An Act to authorize that part of the City of Saint John called Carleton to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing. Passed 3rd November 1854.

Section.

1. Appointment of Commissioners; certain waters may be acquired, also lands for pipes, &c.
2. Power to connect the waters, erect dams, lay pipes, &c.
3. Termination of the Commissioners' powers.

Section.

4. Liability for damages; assessment thereof;
5. Issue of Scrip to meet expenses.
6. Payment of principal and interest
7. Price of water to be fixed by the City Corporation.

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

1. That part of the City of Saint John called Carleton is hereby authorized, by and through the agency of three Commissioners to be appointed by the Lieutenant Governor in Council, to take, hold, and convey to, into, and through the said part of the said City, the water of Menzies' Lake, Ludgate's Lake, and Spruce Lake, so called, in the Parish of Lancaster, or any or either of them, and the waters which may flow into and from the same, and any other ponds and streams within the distance of four miles from the same, and any water rights connected therewith; and also to take and hold by purchase, or otherwise, in the name of the inhabitants of the said part of the said City, any lands or real estate necessary for laying pipes for conducting, discharging, disposing of, and distributing water, as also for carrying of waste water, and house and other drainage; and also to take and hold any land on and around the margin of the said lakes not exceeding four rods in width, and on and around the said other ponds and streams, so far as may be necessary for the preservation and purity of the same, for the purpose of furnishing a supply of pure Water and a system of Sewerage, for the said part of the said City; and the Commissioners shall within sixty days from the time they shall take any lands, or ponds or streams of water, for the purposes of this Act, file in the Office of the Registry of Deeds for the City and County, a description of the lands, ponds, or streams of water so taken, in like manner as is required in a common conveyance of lands, and a statement of the purpose for which they have been taken, which said description and statement shall be signed by the three said Commissioners.

2. The said Commissioners may connect the waters of the said Lakes together, may erect and maintain dams to raise and retain the waters therein, may make and establish such public hydrants in such places as may from time to time be deemed proper, may distribute the water throughout the Town, may carry off waste water and house and other drainage, and for this purpose may lay down pipes to any house or building therein, and may regulate the use of the

said water within and without the Town, and establish the prices or rents to be paid therefor; and the said Commissioners, for the purposes aforesaid, may carry any pipes under or about any highway or other way, in such manner as not to obstruct or impede travel thereon, and may enter upon and dig up any such road, street, or way, for the purpose of laying down pipes beneath the surface thereof, or of repairing them when laid down, not obstructing or impeding travel as aforesaid, and in general may do any other acts and things necessary, convenient, or proper for the purposes of this Act.

3. On the completion of the works above mentioned, or at the expiration of three years from the commencement of them, or whichever event shall first happen, the said office of Commissioner shall cease, and all the rights, powers and authority given by this Act shall be exercised by the Mayor, Aldermen and Commonalty of the said City of Saint John, and by such agents, officers and servants as they from time to time may appoint.

4. The said part of the said City called Carleton shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any lands, water, or water rights, or by the constructing of any works for the purposes of this Act; and if the owner of any land, water, or water rights, which shall be taken as aforesaid, or other person who shall sustain damage as aforesaid, shall not agree upon the damages to be paid therefor, he may apply by Petition for the assessment of his damages at any time within three years from the taking of the said land, water or water rights as aforesaid, and not afterwards, to any Judge of the Supreme Court, who may appoint three judicious and disinterested freeholders of the said City and County who shall assess the damage, if any, which such petitioner may have sustained as aforesaid, and the award of the said freeholders, or of the major part of them, being returned into and accepted by the said Judge, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, in like manner as if the said judgment had been obtained in the Supreme Court of Judicature of this Province.

5. For the purpose of defraying all the costs and expenses of such lands, estates, waters, and water rights, as shall be taken, purchased, or held for the purposes mentioned in this Act, and of constructing all works necessary or proper for the accomplishment of the said purposes, and all expenses incident thereto, the Mayor, Aldermen and Commonalty of the said City shall have authority, and on the requisition of the said Commissioners are required, to issue from time to time Notes, Scrip, or Certificates of Debt, to be denominated on the face thereof "Carleton Water Scrip," in such form as Her Majesty's Attorney General may advise, regard being had to the several provisions contained in this Act, and to any prior claims on the Common Lands of that part of the said City called Carleton, to an amount not exceeding in the whole the sum of twenty five thousand pounds currency, bearing interest at a rate not exceeding the legal rate of interest in this Province; the said interest shall be payable semi-annually, and the principal shall be payable at periods not more than forty five years from the issuing of the said Scrip, Notes, or Certificates respectively; and the said Mayor, Aldermen and Commonalty, may sell the same or any part thereof from time to time at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as they shall judge best.

6. No Scrip shall be issued for the payment of interest as aforesaid after the completion of the said works, but payment of all interest that shall accrue after that time, and of so much of the principal as must annually be paid, shall be made from the net income, rents, and receipts accruing from the use of the water, so far as the same shall extend; the deficiency (if any) shall be made up from the rents of the common lands belonging to Carleton aforesaid, to an amount not exceeding the yearly sum of five hundred pounds, regard being had to any prior claims thereon as aforesaid; and if that shall not be sufficient, from an assessment on the owners of property, real and personal, either or both, as well resident as non-resident, within the said part of the said City.

7. The Mayor, Aldermen and Commonalty aforesaid, shall from time to time regulate the price or rents for the use of the water, with a view to the payment from the net income, rents, and receipts therefor, not only of the semi-annual interest, but of the principal also, so that the whole may be paid off within the aforesaid period of forty five years; and the said net income, rents, and receipts, shall be set apart for, and be appropriated for and towards the payment of the principal and interest of the said Scrip, and for no other purpose whatsoever.