

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1858. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1858.

21 Victoria – Chapter 46

An Act to further amend an Act intituled *An Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John*. Passed 6th April 1958.

Section.

Preamble; 18 V. c. 10; 19 V. c. 54.

1. Sale of lands after default in payment, how effected.
2. Notice of sale by Sheriff, and deed of land

Section.

3. Recovery of money wrongfully paid.
4. Interest receivable.
5. Authority to assess for such interest.

Whereas the modes provided in and by the Act of Assembly made and passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John*, of enforcing the payment of the respective sums or assessments directed to be paid to the Mayor, Aldermen and Commonalty of the City of Saint John, in and by virtue of the said Act, or of an Act made and passed in the nineteenth year of Her Majesty's Reign, intituled *An Act to amend an Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John*, have been found to be inadequate;—

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

1. It shall be the duty of the Mayor of the City of Saint John—after demand of any sum of money, which, in and by the said recited Acts or either of them, is made or declared to be a lien or charge upon, or assessed upon, or made payable by the parties owning or interested in any lands, tenements, hereditaments and premises, made, by the person appointed by the Common Council to receive the same, upon the owner or owners, any or either of them, of such lands, tenements, hereditaments and premises, or from and after twenty days notice of the application to him by such receiver so to do, published in the Royal Gazette and one or more of the Newspapers published in the City of Saint John—by Warrant under his hand and seal, directed to the Sheriff of the City and County of Saint John, to cause the said lands, tenements, hereditaments and premises, or such portion thereof as may be deemed sufficient for that purpose, to be sold at public auction, and out of the proceeds thereof the amount of the assessment against the owner or owners thereof, to be paid to such receiver, and the overplus, if any, arising from such sale, after deducting all just charges and expenses, to be paid to the owners or mortgagees of the lands, tenements, and hereditaments so sold as aforesaid, or person or persons entitled to receive the same, or if they cannot upon diligent enquiry be found or ascertained to the satisfaction of the said Mayor, then to be paid into the Equity side of the Supreme Court in this Province, to be secured, disposed of, or invested as the said Court may direct.

2. The Sheriff shall give sixty days notice of the time and place of such sale, in two or more of the Newspapers published in the City of Saint John, and shall execute a deed of the land so sold to the purchaser or purchasers, which shall be good and effectual to pass the title thereto as against the owner and all and every person and persons made liable to pay such sum of money in and by virtue of the said recited Acts or either of them.
3. The provisions of the Act first above recited, with respect to the recovery of money by a person or persons who shall have paid the same, or from whom it shall have been collected or recovered, when by agreement or law the same ought to have been paid by some other person or persons, shall be held to apply to moneys assessed or recovered under either or both of the Acts above recited, or of this Act.
4. When any sum of money has been awarded under either or both of the Acts above recited, and to any person or persons whose lands or property or any part thereof may have been taken away in carrying out the same, and such sum of money is yet remaining unpaid, the person or persons to whom the same may have been awarded shall be entitled to demand and receive from the Mayor, Aldermen and Commonalty of the City of Saint John, in addition to the sum so demanded, legal interest thereon from the first day of December one thousand eight hundred and fifty five to the day of payment.
5. It shall be the duty of the Mayor, Aldermen and Commonalty of the City of Saint John, and they are hereby empowered to assess and collect such interest on that part of the City of Saint John lying on the eastern side of the Harbour, in the same way as other rates and taxes.