

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1859. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1859.

22 Victoria – Chapter 42

An Act to authorize the widening of Harding Street, in the City of Saint John. Passed 13th April 1859.

Section.

1. Commissioners to be appointed by the Governor in Council.
2. Harding Street, how to be widened.
3. Commissioners to have powers, &c as in Act 18 V. c. 10, and 21 V. c. 46.

Section.

4. Apportionment of assessments.
5. Free cession of property for purposes of this act.
6. When Corporation of Saint John shall become possessed of land required.

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

1. It shall and may be lawful for the Governor in Council to nominate and appoint three or more Commissioners for performing the duties hereinafter and in that behalf prescribed.

2. Harding Street, in the City of Saint John, shall be widened so as to make a Street of thirty five feet in width; the northerly line of which shall be a direct line to be drawn from the southwest corner of Mrs. Hammond's house, on the northwest corner of Harding and Germain Streets, to the southeast corner of the house owned by Mr. Edwin Fuirweather, situate on the corner of Harding and Charlotte Streets; and the southerly line of which shall be a line drawn from a point on the east side line of Germain Street, thirty five feet south from the said southwesterly corner of Mrs. Hammond's house, and running parallel with the said northerly line, at an equal distance therefrom throughout, to Charlotte Street aforesaid.

3. The said Commissioners shall have like powers and authorities, and shall be governed by like directions and provisions, in respect to the making of plans and surveys, estimates, assessments, and reports, for the purposes of this Act, as are contained in the Act of Assembly 18th Victoria, Chapter 10, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street, in the City of Saint John, relating to the duties of Commissioners*; and all the provisions of the said Act, and of an Act made and passed in the twenty first year of Her said Majesty's Reign, intituled *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.'* shall be as applicable to this Act, and shall be read and construed as if they had been herein contained and made applicable to the purpose contemplated by this Act, except in so far as they may be inconsistent with any thing herein contained.

4. One half and no more of the estimated value of the lands, tenements, and hereditaments taken and required for the widening of Harding Street, shall be assessed and- apportioned on the parties owning or interested in the lands, tenement, and hereditaments fronting on said Street,

and the other half shall be assessed on that part of the City of Saint John lying on the eastern side of the Harbour; and no assessment shall be made upon the said City, or any part thereof, for the purpose of making and finishing the said Street.

5. The owner of any land or property required for the purposes of this Act, who may be willing to make a free cession thereof, may signify the same to the said Commissioners by note or memorandum in writing, under his hand, which note or memorandum shall be annexed to the Report of the Commissioners, and shall be a bar to any claim that may be set up by the said owner, or any person claiming under him, for or in respect of such land; and the said Commissioners shall omit the said land and property in the estimate and assessment of the value of lands, tenements, and premises required for widening the said Street.

6. The Mayor, Aldermen, and Commonalty of the City of Saint John, shall not become possessed of the lands and premises required for widening the said Street, until they are prepared to pay the amounts assessed, as and for compensation and recompense to the respective owners or persons entitled to receive the same, and shall actually pay or tender the same, or pay the same into the Equity side of the Supreme Court for the benefit of the persons or parties entitled to receive the same, pursuant to the provisions of the Act first above recited, when they may enter and take possession thereof, or of any part thereof, without any suit or proceeding at law, and may take down or remove any building or part of a building, erection, or improvement of any description on the said lands, tenements, hereditaments, and premises, for the purpose of widening the said Street as aforesaid.