

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1862. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1862.

25 Victoria – Chapter 49

An Act relating to the supply of Carleton, in the City of Saint John, with Water. Passed 23rd April 1862.

- | Section. | Section. |
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| 1. Execution for non-payment of rate, by whom issued. | 3. Residents in Parish of Lancaster liable in certain cases. |
| 2. Chairman may be Warrant order Sheriff to sell real estate. | |

Whereas an Act made and passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act in addition to and amendment of an Act intituled '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,* requires amendment in the mode directed for the collection of rates and assessments: And whereas by placing the collection of the said rates and assessments in the hands of the Chairman of the said Com-missioners, greater facilities would be afforded than at present exists in the collecting of the said rates and assessments;—

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

1. If any person assessed under and by virtue of the said recited Act or, in accordance with the provisions thereof, or in pursuance of any Act or Acts of Assembly made or to be made, shall not pay the amount for which he is liable under such assessment within ten days after notice of demand thereof, the Chairman of the said Carleton Water Commissioners, instead of the Police Magistrate, may issue execution for the amount so assessed, together with costs and charges, against the goods and chattels of the person so assessed, directed to any Constable or Marshal of the said City of Saint John; and for want of goods and chattels whereon to levy the execution, may direct the said Constable or Marshal to take the body of the said person and deliver him to the keeper of the gaol of the City and County of Saint John, there to be kept for the number of days mentioned in the said execution, unless the debt and costs be sooner paid; said costs to be the same as at present by law allowed, and to be paid into the funds of said Commissioners raised for the said Water Supply; provided always, that the number of days shall in no case exceed one day for every forty cents in the amount mentioned in said execution, and in no case shall it exceed fifty days; and the execution shall be as near as may be according to the form A in the Schedule to this Act; and further provided always, that proof of such notice of assessment and the non-payment thereof, shall be verified by the affidavit of the Collector before it shall be lawful to issue execution thereon.

2. It shall be lawful for the said Chairman, instead of the Police Magistrate, by warrant under his hand and seal, to order the Sheriff of the City and County of Saint John to make the sale of real estate under the twenty fourth section of "The Saint John Assessment Act of 1859," as directed by the fourth section of the said hereinbefore recited Act, which sale shall be made and conducted in every respect and have the like effect as if the same had been made under and by warrant of the Police Magistrate prior to the passing of this Act.

3. The provisions of this Act shall extend to all persons resident in the Parish of Lancaster, in the City and County of Saint John, who may take the water in the said Parish under an agreement with the said Commissioners to pay a fixed sum therefor at stated and fixed periods, and in default of payment the same may be proceeded with by execution or warrant as directed by this Act, and jurisdiction is hereby given to the said Chairman for that purpose.

SCHEDULE A.

Execution.

To any Constable or Marshal of the City of Saint John.

Levy and sell of the goods and chattels of A. B. within the City of Saint John, the sum of _____, which has been assessed upon him by the Carleton Water Commissioners, also _____ for costs and charges, the whole being _____, and have that money at my office in Carleton on the ____ day of [not less than ten days nor more than thirty from the date of Execution]; and for want of goods and chattels whereon to levy, take the said A. B. and deliver him to the keeper of the gaol of the City and County of Saint John, who is hereby required to receive him and keep him safely ____ days, unless the same with costs be sooner paid, and make return hereof at the time and place aforesaid.—Dated this ____ day of _____, A. D. 18____.

C. D., Chairman of the
Carleton Water Commissioners.