

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1867.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1867.

30 Victoria – Chapter 62

**An Act relating to the widening of Cross Street in the City of Saint John. Passed 17th June 1867.**

Section.

1. Report of Commissioners, &c. confirmed, and to be filed.
2. Estimate and assessment in Schedule B, confirmed.
3. Estimate and assessment marked D, declared void.

Section.

4. Proceedings in reference to undivided estate and estates of married women.
5. Secs. 1, 2, & 3, of cap. 46, 21st Vic. To apply to Report, estimate, and assessment.

Whereas the Commissioners appointed under the Act of Assembly passed in the twenty ninth year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to the widening of Cross Street in the City of Saint John*, made their Report, dated the twelfth day of November now last past, and in their said Report and Schedules annexed thereto set forth certain estimates and assessments made by them under the provisions of said recited Act, and of an Act made and passed in the eighteenth year of the Reign of Her said present Majesty, Chapter ten, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John*, the first of such estimates attached to said Report being marked B; and whereas in certain cases in which persons appealed under the provisions of the law from the said estimate of the said Commissioners, awards were made increasing the value of land taken for the widening of said Street, and altering the amounts to be received; and the said Commissioners did thereupon correct the said estimate and assessment agreeably to said awards, and did attach to said Report an amended estimate and assessment marked D; and whereas doubts have arisen as to the sufficiency of said Report and the correctness of the proceedings of the said Commissioners under the said Acts for the widening of Cross Street as therein set forth, and in consequence thereof the Mayor, Aldermen and Commonalty of the City of Saint John have not accepted and filed such Report, and proceedings are pending before the Supreme Court of this Province relating thereto; and it is desirable to remove the said doubts and to confirm the said estimate marked B attached to said Report, and to add the sums of money payable under said awards to the amount directed to be assessed upon the City of Saint John, and to confirm the said Report in other respects, and the amended plan referred to therein;—

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

1. The said Report of the said Commissioners, appointed under the said Act of Assembly made and passed in the twenty ninth year of the Reign of Her present

Majesty, intituled *An Act to amend the Law relating to the widening of Cross Street in the City of Saint John*, (except as hereinafter is excepted,) and the estimate and assessment therein referred to and thereunto annexed, by Schedule marked B, are hereby declared to be good, sufficient, valid and effectual in the law, and the acts of the said Commissioners relating to the widening of the said Cross Street are hereby confirmed; and the said Commissioners immediately after the passing of this Act shall present the said Report to the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council, and the said Mayor, Aldermen and Commonalty of the City of Saint John shall thereupon accept and file said Report; and immediately upon the coming in and filing of such Report, the same, as hereby confirmed, shall be final and conclusive, as well upon the said Mayor, Aldermen and Commonalty of the City of Saint John, as upon the owners, lessees, parties or persons interested in and entitled unto the lands, tenements, hereditaments and premises mentioned in the said Report, or referred to or designated in the plan deposited by the said Commissioners in the Common Clerk's office, as amended on the twentieth of August last past, and filed therein on the twelfth day of November last past, which plan is hereby made a part of said Report; and the several descriptions, metes and bounds in said plan shewn and designated are hereby declared to be an apt and sufficient designation and description of the several lots and parcels of land or other tenements, hereditaments and premises required for the purposes of widening the said Street, and also of the several lots and parcels of land and other tenements, hereditaments and premises fronting on the said Street or lying in the vicinity thereof, and in the discretion and opinion of the Commissioners benefited thereby, as shewn on the said plan by bounds, lines, and numbers; and the said Mayor, Aldermen and Commonalty of the City of Saint John shall, immediately upon the filing of the said Report, become vested absolutely with the lands taken by the said Commissioners for widening said Street, as shewn in the said plan; and the said Mayor, Aldermen and Commonalty shall immediately thereupon proceed under the said Act of Assembly eighteenth Victoria, Chapter ten, to open and widen the said Street.

2. The estimate and assessment made by the said Commissioners, and reported by them as shewn and set forth in the said Schedule annexed to their said Report, and marked B, is hereby made a part of the said Report, and is hereby declared to be and is made good, valid and binding on the several persons and properties mentioned and set forth in the said estimate and assessment, and shewn on the said plan, and the several persons are hereby declared liable to pay the several amounts assessed against them, and the several properties are hereby declared chargeable with the same, as shewn therein respectively; and the said Mayor, Aldermen and Commonalty of the City of Saint John shall proceed to collect, levy, and recover, and pay and apply the same, as provided by the said recited Acts.

3. The estimate and assessment marked D annexed to the said Report, is hereby declared to be void and of no force and effect; and the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council, shall add to the sum to be

assessed by them under the second Section of the said Act made and passed in the twenty ninth year of the Reign of Her present Majesty, Chapter twenty, the several amounts and sums of money awarded by the arbitrators as reported by the said Commissioners, and shall pay such sums, when collected, to the parties entitled thereto under such awards; and shall also add to the said general assessment all costs and expenses that may have been incurred relating to and consequent on questions arising upon said Report, together with interest upon the respective amounts due and payable to the respective parties whose lands have been taken for the widening of the said Street, from the time of the passing of this Act until the time of the payment thereof.

4. In all cases in the said Report and plan wherein the said Commissioners have set forth and designated that the said lots of land, or any of them, or any part thereof, are held by the estate or estates of deceased persons, and the same have been assessed against such estate, and amounts have been assessed against married women as owners of any such lot or lots, or otherwise assessed by insufficient descriptions of the owners or persons interested in the said lands and hereditaments, so that such owners and persons interested cannot be sufficiently known, or the amount collected and enforced, then the said Mayor, Aldermen and Commonalty of the City of Saint John may in every such case proceed as though the said Commissioners had made such estimate and assessment under the provisions of the third Section of the said Act eighteenth Victoria, Chapter ten, as directed in cases where the owners and parties interested are unknown or not fully known to the Commissioners.

5. The provisions of the first, second and third Sections of an Act made and passed in the twenty first year of the Reign of Her present Majesty, 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*, are hereby declared to extend and apply to the Report and estimate and assessment hereinbefore referred to, and by this Act confirmed, as fully and effectually as if the several provisions of the said first, second and third Sections of said Act twenty first Victoria, Chapter forty six, had been fully set forth and enacted in the said Acts eighteenth Victoria, Chapter ten, and twenty ninth Victoria, Chapter twenty, and this Act.