

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 74

An Act relating to Paved Sidewalks in the City of Saint John. Passed 17th June 1867.

Section.

1. Corporation authorized to pave sidewalks on eastern side of Harbour.
2. How to be paid for.

Section.

3. Holder of renewable lease to be assessed.
4. Mode of recovery.
5. When sidewalk to be laid down.

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

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, from time to time, as they may deem it expedient, to provide, lay and place stone flag pavements, with stone curbing, or planking, or such other material as the Common Council of said City may from time to time determine, on the sidewalks and footpaths in such streets or parts of streets within the City of Saint John on the Eastern side of the Harbour, as the Common Council may from time to time direct.
2. One moiety or half part of the costs and expenses of providing and laying the said stone flag pavements and curb stones, or sidewalks of plank, or of such other material as the Common Council may from time to time determine, in front of each and every lot wherever the said Common Council may direct as above mentioned, shall be borne and paid by the owners in fee of the several lots or parts of lots in front of or along which the said pavement or other material shall be laid; and one moiety or half part, by order of said Common Council, out of the fund arising from the general yearly assessment for Streets on said Eastern side of the Harbour.
3. When any lot or part of lot is held under lease for a term of years, with a covenant for renewal of such term, the rate or assessment shall be made upon the person or persons having the legal estate and interest in the said term, and not upon the owner in fee.
4. The Common Council of the City of Saint John shall, by resolution, order and direct what the amount or sum of money is which shall be paid by the owner in fee or leaseholder for renewable term as aforesaid in each case; and upon such order and direction being made, the Receiver of Taxes for that part of the City of Saint John on the Eastern side of the Harbour shall give ten days notice thereof in the same manner as for any assessment for City rates; and if such sum be not paid according to such notice, the said Receiver of Taxes shall issue executions to recover the same, in like manner and as nearly as may be in similar form as is provided for the recovery of the assessments for City rates and taxes under the Saint John City Assessment Act of 1859, and the several

29 Victoria – Chapter 74

Acts in force in amendment thereof and in addition thereto; and under such execution, the Marshal who shall execute the same may levy upon any goods and chattels found upon the land and premises in front of which such pavement or material for sidewalks shall be laid; and all goods and chattels on said land and premises shall be chargeable with said sum, and may be sold under levy to satisfy such execution and costs; provided that in case the goods of any person who may not be personally liable to pay such amount shall be taken or sold under execution as aforesaid, such person shall be entitled to recover the amount he may pay and damages he may sustain from and against the person or persons who may have been legally liable to pay the same, or may deduct such amount from any rent due or that may accrue in case of tenancy.

5. That no sidewalk shall be laid down in any street under this Act, until resolution of the Common Council authorizing such work be published in a public newspaper issued in the City of Saint John, for the space of four weeks previous to any such work being commenced.