

3 W. 4. C. 26,  
S. 3 repealed.

Council and Assembly, That the Third Section of the above recited Act be and the same is hereby repealed; and in Lieu thereof,

Assessments to be made at the Discretion of the Assessors in equal Proportions upon the Inhabitants and upon the Real Estate of Non Residents.

II Be it enacted, That from and after the passing of this Act, all Sums of Money to be assessed and raised for any County, Town or Parish Charges and Expenses, under or by virtue of any Act or Acts of Assembly now in Force, or for that Purpose to be hereafter made, shall be assessed, levied and raised in Manner following; (that is to say,) Every such Sum together with the Expenses of collecting the same, shall be assessed, at the best Discretion of the Assessors, in just and equal Proportion upon the said Inhabitants of such Town or Parish, according to the Means and Ability of the said Inhabitants, and upon the Real Estate of Non Residents.

So much of 1 W. 4. C. 26, as allows a per Centage to Assessors repealed.

III. And be it enacted, That so much of an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act to regulate Assessments in this Province*, which allows a per Centage to any Assessor or Assessors for making an Assessment, be and the same is hereby repealed.

Limitation.

IV. And be it enacted, That this Act shall continue and be in Force during Continuance of the said recited Act, to which this is an Amendment and no longer.

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### CAP. XXXIII.

An Act more effectually to provide for the Support of a nightly Watch in and for lighting the City of Saint John, and for other Purposes.

*Passed 22<sup>d</sup> March 1834.*

Preamble.

‘ **W**HEREAS the Establishment of a Nightly Watch, and lighting the Streets, and the Appointment of Scavengers, in and for the City of Saint John, are of very great Importance, for the

‘the Preservation of the Persons and Property of  
 ‘the Inhabitants, to prevent Fires and Robber-  
 ‘ies, and other Outrages and Disorders, and to  
 ‘insure Cleanliness in the said City;’

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City, in Common Council convened, from time to time, to order and appoint such Number of Watchmen and Lamp Lighters as they shall judge necessary and proper to be kept within the District on the Eastern Side of the Harbour of the said City, and to direct how they ought to be armed, and how they shall watch and attend to the Lamps of the said City, and what Wages and Allowances shall be given to the said Watchmen and Lamp Lighters for their Attendance, and shall also from time to time order and appoint what Number of Scavengers they shall judge necessary and proper to be kept within the said District, and to direct how they shall attend to the Cleanliness and good Order of the Streets therein, and what Wages shall be given to the said Scavengers for their Services, and shall make all such other Orders and Regulations as the Nature of each particular Service shall seem to require.

Common Council to appoint and regulate Watchmen, Lamp Lighters and Scavengers for the Eastern side of the Harbour of Saint John.

II. ‘And for the better raising and levying the  
 ‘Money for paying the Wages of the said night-  
 ‘ly Watchmen, Lamp Lighters and Scavengers  
 ‘and other Charges incidental thereto;’ Be it enacted, That the Mayor, Aldermen and Commonalty of the said City of Saint John, in Common Council assembled, may and they are hereby authorized and empowered, once in every Year, between the First Day of April and the First Day of May in each and every Year, to determine and direct what Sum or Sums of Money shall be raised and levied upon the Inhabitants

Common Council may order a Yearly Assessment to pay the Expenses.

tants in the District on the Eastern side of the Harbour of the said City, for answering the Purposes aforesaid, and to direct by Warrant under their Common Seal to the Assessors herein after mentioned to make a Rate and Assessment in due Proportion upon all and every Person or Persons who do or shall inhabit, hold, occupy and enjoy any Land, House, Shop, Warehouse or other Tenement, within the District on the Eastern Side of the Harbour of the said City; Provided always, That the Sum to be assessed upon any One Person in any One Year, shall not exceed the Sum of Seven Pounds Ten Shillings; and the said Assessors are hereby authorized and required to make such Rate and Assessment; which same Rate and Assessment so to be made, shall be collected by a Collector to be, by the said Mayor, Aldermen and Commonalty of the said City, for that Purpose from Time to Time appointed; and in case any Person or Persons so rated and assessed shall neglect or refuse to pay the said Sums so rated upon him, her or them, it shall and may be lawful for the said Collector to sue for and recover the same by Action of Debt in the Court of Common Pleas, or City Court of the said City, in like Manner as any other Debt can or may be sued for, prosecuted and recovered in the said Courts.

Assessment on One Person not to exceed £7 10s per Annum.

Assessment to be collected by a Collector appointed for that Purpose.

Persons aggrieved by Assessment may appeal to the Common Council.

III. Provided always, and it is hereby enacted, That in case any Person or Persons shall think him, her or themselves aggrieved by any Rate and Assessment to be made as aforesaid, it shall and may be lawful for them respectively, within the Space of Five Days after the Sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City, and whose Decision shall be final and conclusive; and that a Memorandum in Writing of such Appeal, filed in the Common Clerk's Office, within the said Time, shall suspend further Proceedings until such Decision shall be had.

IV. And be it enacted, That it shall and may be lawful for the said Watchmen or any of them, and they are authorized and required in their several Stations, during the Time of their keeping Watch as aforesaid; to apprehend all Night Walkers, Malefactors, Rogues, Vagabonds and other disorderly Persons whom they shall find disturbing the public Peace, and to carry him, her or them as soon as conveniently may be before the Mayor, Recorder or One of the Aldermen of the said City, or a Justice of the Peace for the City and County of Saint John, to be examined and dealt with according to Law.

Watchmen may apprehend Night Walkers, &c. disturbing the Peace.

V. Provided always, and be it enacted, That in case there should be any Deficiency in any One Year's Assessment so to be made as aforesaid, so that the Wages and Allowances to Watchmen, Lamp Lighters and Scavengers, and every other incidental Charges, cannot be fully satisfied, paid and discharged in that Year, such Deficiency shall be made up in and paid out of the next succeeding Year's Rate and Assessment; and if there shall happen to be any Overplus Money collected by such Rate or Assessment as aforesaid in any One Year, such Overplus shall be carried on to the Credit of the Account of the next Year's Rate and Assessment, and shall be applied for such Uses and in such Manner as the Rates and Assessments collected are by this Act directed to be laid out and applied, and to no other Use or Purpose whatsoever.

Deficiency in One Year's Assessment to be made up in the next Assessment.

Surplus of Assessment to be carried to the Credit of next Year's Assessment.

VI. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City, to appoint annually Three discreet Persons, being Freemen of the said City, to act as Assessors under this Act, who shall be sworn to the faithful Discharge of such Duty before the Mayor or Recorder of the said City; and any Person so appointed who shall neglect or refuse to accept the said Appointment

Mayor &c. to appoint Three Assessors annually.

Persons appointed and not performing the Duty to forfeit £5.

or to become qualified, or having become qualified, shall refuse to perform his Duty, shall for each and every Neglect or Refusal forfeit and pay the Sum of Five Pounds, to be recovered on Conviction before the Mayor or Recorder of the said City, and levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of the said Mayor or Recorder, and paid into the Hands of the Chamberlain of the said City, to be applied for such Uses and in such Manner as the Rates and Assessments collected under this Law, and for no other Use whatsoever; and the said Mayor, Aldermen and Commonalty of the said City, may appoint some other Person or Persons being Freemen in the Place or Places of any Person or Persons refusing to Act, or to become qualified as required by this Act, so often as such shall be the Case; which Person or Persons so to be appointed in the Place or Places of such Person or Persons so neglecting or refusing, shall be liable to the same and like Penalties for Neglect or Refusal as the said Persons First appointed, to be in like Manner recovered, paid and applied, and so on as often as the Case may happen.

Recovery.

Application.

Collector to pay the Money to the Chamberlain.

VII. And be it enacted, That the said Collector herein before mentioned to be appointed, shall from Time to Time as he shall receive the same, pay the Money by him collected into the Hands of the Chamberlain of the said City for the Time being, who is hereby directed to keep a separate Book to be by him appropriated for that particular Purpose.

To be deemed a public Act.

VIII. And be it enacted, That this Act shall be deemed, adjudged and taken to be a public Act, and be judicially taken Notice of by all Judges, Justices and other Persons whatsoever, without pleading the same.

Limitation.

IX. And be it enacted, That this Act shall continue and be in Force until the First Day of April

April in the Year of our Lord One thousand eight hundred and thirty nine.

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CAP. XXXIV.

An Act to authorize the Justices of the General Sessions of the Peace for the City and County of Saint John to levy an Assessment to enable them to pay off the County Debt.

*Passed 22d March 1834.*

**WHEREAS** it is necessary and expedient Preamble.  
 that the Justices of the Peace for the City and  
 County of Saint John should be authorized and  
 empowered to levy a Sum by Assessment in the  
 said City and County for paying off the Debts  
 of the said County;

Be it enacted by the Lieutenant Governor, Justices may issue their Warrant for assessing £750 to pay off County Debts.  
 Council and Assembly, That the said Justices of  
 the Peace for the said City and County, be and  
 they are hereby authorized and empowered at  
 any General Sessions of the Peace to be hereaf-  
 ter holden, to issue their Warrant or Warrants  
 for assessing a Sum not exceeding the Sum of  
 Seven hundred and fifty Pounds, for the Purpose  
 of paying off the Debts that are due by the said  
 County; the same Sum to be assessed, levied,  
 collected and paid in such Proportion, and in the  
 same Manner as any other County Rates can or  
 may be assessed, levied, collected, and paid by  
 virtue of any Act or Acts now in Force for as-  
 sessing, collecting, and levying County Rates, or  
 any other Act hereafter to be made for the like  
 Purpose.