

Hickman, Junior, Charles E. Knapp, Andrew Weldon, John C. Turner, Robert B. Chapman, David Chapman, Edward B. Chandler, Junior, and such others as are or may become members of the said Institute, shall be and they are hereby constituted a Body Corporate for the purposes above mentioned, and none other, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly in this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed the sum of eight hundred pounds.

Real Estate limited to £800.

CAP. LX.

An Act to incorporate the Woodstock Mechanics' Institute.

Passed 30th March 1848.

Woodstock Mechanics' Institute incorporated.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Woodstock Mechanics' Institute now established in the Town of Woodstock, in the County of Carleton, for the purpose of instructing Mechanics and others, in Physics, Literature, and the different Branches of Science, be incorporated, and that John Bedell, Richard English, William T. Baird, Charles H. Connell, James Robertson, J. N. Baker, William Lindsay, George W. Cleary, Edwin R. Parsons, Robert A. Hay, and such other persons as are or may become members of the said Institute, shall be and they are hereby constituted a Body Corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided always, that the real estate which the said Corporation may at any time hold, shall not exceed eight hundred pounds.

Real Estate limited to £800.

CAP. LXI.

An Act to incorporate the City of Fredericton.

Passed 30th March, 1848.

17 ap 2000 by 18 vic
Cap 15
local acts

Amended by 12 vic cap 59

WHEREAS an improvement in the Local Government of Fredericton is deemed necessary;

The City of Fredericton incorporated, with powers incident to Corporations.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all the inhabitants of that part of the Parish of Fredericton which is bounded and described as follows: Beginning on the north easterly bank or shore of the River Saint John, in the north eastwardly prolongation of the lower boundary line of the Parish of Kingsclear, thence extend to and along the said boundary line of the Parish of Kingsclear south westwardly, until it intersects the north westerly extremity of the north easterly boundary of a tract of land heretofore granted to William F. Odell and associates, thence along the said last mentioned boundary and its prolongation, south easterly, to intersect the upper or north easterly boundary line of the County of Sunbury, thence along the said boundary line of the County of Sunbury north easterly, until it intersects the north easterly bank or shore of the River Saint John above mentioned, and thence along the said bank or shore along the line of high water mark, north westerly, or up stream, to the place of beginning; shall be a City Corporate, in right and in name, by the name of "The City of Fredericton," and shall have perpetual succession, and a Common Seal, with power to break, renew and alter the same at pleasure; and shall be capable in Law of suing and being sued, and of purchasing and holding lands and tenements for the use of the said inhabitants, and of making and entering into such contracts and agreements as may be necessary for the exercise of their corporate functions, and to do and execute

Amended by 13 vic cap 22
of local acts

execute every other matter or thing incident to such Corporation, subject to the regulations hereafter provided.

II. And be it enacted, That for the purposes of this Act, and the better government of the said City, it shall be and is hereby divided into five Wards, which shall be known, distinguished, bounded and described as follows:—

To be divided into five Wards.

The first Ward to be known and distinguished as Wellington Ward, and to be bounded on the north east, the north west, and the south west, by the north easterly, north westerly and south westerly bounds of the City, and on the south east by the centre of Northumberland Street, and the prolongation of a line drawn along the centre of the said street north easterly and south westerly to the north easterly and south westerly bounds of the City:

Wellington Ward.

The second Ward to be known and distinguished as Saint Ann's Ward, and to be bounded on the north east and south west by the north easterly and south westerly bounds of the City, on the north west by Wellington Ward, and on the south east by the centre of York Street, and the prolongation of a line drawn along the centre of the said street north easterly and south westerly to the north easterly and south westerly bounds of the said City:

Saint Ann's Ward.

The third Ward to be known and distinguished as Carleton Ward, and to be bounded on the north east and south west by the north easterly and south westerly bounds of the City, on the north west by Saint Ann's Ward, and on the south east by the centre of Regent Street, and the prolongation of a line drawn along the centre of the said street north easterly and south westerly, to the north easterly and south westerly bounds of the City:

Carleton Ward.

The fourth Ward to be known and distinguished as Queen's Ward, and to be bounded on the north east and south west by the north easterly and south westerly bounds of the City, on the north west by Carleton Ward, and on the south east by the centre of Church Street, and the prolongation of a line drawn along the centre of the said street north easterly and south westerly to the north easterly and south westerly bounds of the City:

Queen's Ward.

The fifth Ward to be known and distinguished as King's Ward, to be bounded on the north east, south east and south west by the north easterly, south easterly and south westerly bounds of the City, and on the north west by Queen's Ward.

King's Ward.

III. And be it enacted, That the administration of the fiscal, prudential and municipal affairs, and the government of the said City, shall be vested in one principal Officer, who shall be and be styled the Mayor of the City of Fredericton, and nine other persons, who shall be and be styled Councillors of the City of Fredericton, to be severally elected as is hereinafter directed; and such Mayor and Councillors for the time being shall be and be called the Council of the said City; and all Bye Laws made by the said City Council shall express to be enacted by "The City Council of the City of Fredericton."

The government of the City vested in a Mayor and nine Councillors, to be styled "The City Council."

IV. And be it enacted, That the City Council shall annually elect and choose for the said City, from persons possessing similar qualifications to the Councillors, three Officers, to be called the Assessors for the said City.

City Council to annually elect three Assessors.

V. And be it enacted, That the first election after the passing of this Act, of the Mayor and Councillors of the said Corporation, shall be conducted and made in manner following, that is to say: the Sheriff of the County of York, by himself and his sufficient Deputy or Deputies by him named for that purpose, shall within sixty days after the passing of this Act, appoint a day and place for the election of two persons to serve in the City Council for each Ward, whereof he shall give notice in the public newspapers published in Fredericton, and by advertisements in the several Wards, for ten days previous thereto, and shall agreeably

Mode of conducting the first election of City Councillors.

Qualification of voters.

agreeably to such notice, conduct such elections; and all the male inhabitants of the age of twenty one years, who shall have resided in the said City for at least two years then next preceding, and being British subjects, and each of whom shall actually and within the Ward for which he shall vote, then be and for two months previously have been actually and in his own right the *bona fide* tenant and occupier, under some tenure not less than a tenancy for one year, or *bona fide* owner and occupier in his own right of an entire and separate dwelling house, or an entire and separate warehouse, counting house, field, wharf, office, shop, or other tenement, severally of the *bona fide* rent or yearly value of fifteen pounds currency or upwards, and shall have been rated in the said City to Poll, Road Rate, and Rate for relief of the Poor, to the amount of twenty shillings currency in the whole, and shall have paid such rates which have fallen due within three calendar months next before the day of the said election, or each of whom shall actually and within the Ward for which he shall vote, have been for the time and under the tenure aforesaid, in like manner the *bona fide* tenant and occupier, or *bona fide* owner or occupier of some share, part or interest in some dwelling house, warehouse, counting house, field, office, shop, or other tenement, the *bona fide* yearly value or rent of his own proportion whereof shall be fifteen pounds currency and upwards, and shall have been rated and paid in the said City all road rates and rates for the relief of the poor, to the amount of not less than twenty shillings currency in the whole, and shall have paid such rates which have fallen due within three calendar months next before the day of the said election, or each of whom shall actually and within the Ward for which he shall vote have been for the time *bona fide* owner of real or personal property of the clear value of one hundred pounds currency or upwards, and shall have been rated and paid in the said City all rates for the roads or the relief of the poor, to the amount of twenty shillings in the whole, (and no other persons,) shall be entitled to vote at the said election for such Councillors in the said Wards respectively; and that the Sheriff, in case no scrutiny be demanded, shall immediately return to the Office of the Secretary of the Province the names of the persons having the majority of votes at the said election; and the said Secretary, by the authority of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, shall cause the said return to be published in the next Royal Gazette; and the persons so returned by the Sheriff as having the majority of votes shall be deemed and held to be the Councillors of the said Wards respectively; and the said Councillors shall, as soon as may be convenient after such publication, assemble at the County Court House, in the City of Fredericton, and having chosen a Chairman, shall then and there, by a majority of votes, by way of ballot or otherwise, as they may think proper, elect one fit and proper person out of their own body, to be Mayor of the said City; provided that all the necessary expenses incurred for holding the said first election shall be paid out of the City funds; provided always, that all the said first elections of Councillors shall take place on the same day and hour in all the several Wards; and that the said first elections of Councillors shall be conducted by open voting in public, in manner practised in the election of Members of the Assembly; and that any person whose right to vote thereat shall be questioned at the time of offering his vote, shall take the following oath, before the presiding officer shall receive or take down his vote, which the presiding officer is hereby authorized to administer, that is to say:

'I do solemnly swear, that I have resided in Fredericton for two years or upwards, now next preceding, and that I am of the age of twenty one years, and am a British subject, and am duly qualified to vote at this election, within this Ward.'

Return by the Sheriff to the Secretary's Office.

Councillors to elect a Mayor from their own body.

Voter's oath.

And the presiding officer, before administering the said oath, shall distinctly read over the qualification required by the Act for every such person so claiming to vote, to such person so claiming, and also to mark every such oath as having been sworn, on his Book; and provided that the said elections shall respectively continue open no longer than one day, and shall be closed at five o'clock in the afternoon, unless previously closed by proclamation when a vote shall not have been polled for an hour; and the presiding officer shall at the close of each election declare the majorities; and in case any person who had voted at the same election shall then publicly demand a scrutiny of the election of any one or more of the said Councillors, the presiding officer shall note such demand in his Book; and every such scrutiny, if persevered in, shall be finally determined by the judgment of the Councillors elect, whose elections are not disputed, and who shall have power to hear witnesses on oath, and to appoint a Chairman with right to vote, and if need be, to give a casting vote; and if any of the said Councillors elect shall not attend, the remainder of them shall act; but if three cannot be procured, then the said High Sheriff aforesaid, with any two of them, or any two of the other presiding officers, shall hear and determine such scrutiny as aforesaid; provided that no votes shall be scrutinized but those marked as having been sworn, and that such scrutiny or scrutines shall be proceeded in on the day next after the close of the said elections, and thenceforth day by day (Sundays excepted) except Good Friday and Christmas Day, until all the said scrutines, in rotation, if more than one, shall be determined, no one scrutiny being allowed to engage more than two days; and the Sheriff shall immediately on the close of all the said scrutines make return to the Secretary's Office of all the said elections as aforesaid, and shall therein be governed by the decisions made on the said scrutines, and the said returns shall be published, and the further proceedings hereinbefore provided shall hereafter be had as in cases where no scrutiny occurred.

Mode of conducting scrutines.

VI. And be it enacted, That on the last Monday in March in the year of our Lord one thousand eight hundred and forty nine, and in every succeeding year, five of the Councillors shall go out of office according to the rule hereinafter contained and prescribed; provided that at the last quarterly meeting next before the last Monday in March in the year of our Lord one thousand eight hundred and forty nine, the Councillors shall determine by lot which shall go out of office for that year; but thenceforward, in all future years, those persons who shall have been Councillors the longest without re-election, shall vacate their seats; and in all cases of doubt, the Councillors shall determine by lot who shall vacate his seat for that year.

Five Councillors annually to vacate their seats.

VII. And be it enacted, That on the last Monday in March in the year of our Lord one thousand eight hundred and forty nine, and on the same day in every succeeding year, or if the annual elections and returns shall not in any one year be then complete, then and in every such case within ten days after they shall be perfected, the Councillors of the said City shall elect out of their own body, by a majority of votes by ballot or otherwise, a fit person to be Mayor of the said City, who shall continue in office for one whole year; and in case a vacancy shall occur in the said office of Mayor by reason of any person who shall have been elected to that office not accepting the same, or by reason of his dying or ceasing to hold the said office, the Councillors of the said City shall, within ten days after such vacancy, elect out of their own body another fit person to be Mayor thereof for the remainder of the period for which the Mayor, whose place is to be supplied, was to serve; provided that after any such election, the former Mayor shall occupy the office and place in the City Council of the Mayor then elect, and go out of office

Mayor to be annually elected.

Vacancy by death, &c. to be supplied.

office at the time and in the manner such Mayor elect might or could have done if not elected Mayor, unless the outgoing Mayor shall desire to retire from the City Council, and shall, within two days after his Mayoralty, give notice in writing of his resignation to the City Council, in which case a Councillor shall be elected by the Ward by which the Mayor elect was elected, in manner herein prescribed.

The Mayor elect to be subject to the approval of the Lieut. Governor.

VIII. And be it enacted, That immediately after the election of any person to fill the office of Mayor, under this Act, the name of the Mayor elect shall be submitted to the Governor of this Province for his approval, in the manner following, that is to say, in the case of the first election, three of the Councillors; and in the case of all future elections, the City Clerk shall transmit in writing the name of the person so elected, to the Secretary of the Province, for such approval; and in case such approval is given, the said Mayor elect shall be sworn into office, as hereinafter provided; and in case such approval be not given, a new election or elections shall take place in the manner herein provided for the election of Mayor, until such approval be obtained; and no election of Mayor shall be complete, nor shall any person act or have any authority to act as Mayor, until such approval shall first have been given and procured conformably hereto.

Mayor, Councillors and Assessors to be sworn.

IX. And be it enacted, That the Mayor, Councillors and Assessors shall before entering on the duties of their offices respectively be sworn by taking and subscribing the Oath of Allegiance and Oath of Office; and such oaths shall be administered to the Mayor elect, by the Governor, or in his absence, before a Judge of the Supreme Court, or the Secretary of the Province, in the presence of two Councillors; and such oaths shall be administered to the Councillors and Assessors by the Mayor, being himself first qualified as aforesaid; and a certificate of such oaths having been taken, shall be entered by the City Clerk on the City Minutes; and the said Oath of Office shall be in the following form:—

‘ I, A. B., do swear, that I am qualified, as required by Law, for the office of —, to which I have now been elected or appointed, and that I am seized or possessed for my own use of real or personal estate, or both, in the City of Fredericton, over and above all legally recorded incumbrances, of the value of — pounds, and have paid all Rates and Taxes therefor, to the amount of —, (as the office may be,) and that I have not fraudulently or collusively obtained the same or a title to the same, for the purpose of qualifying myself to be appointed or elected to the said office, or any other office in the said City; and I do swear that I will diligently, faithfully and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of —, while I hold the same. So help me God.’

And into which oath shall be filled in the foregoing blanks, before being sworn to, the title of office and the sum of money required by this Act as the qualification of the officer making the oath.

Certain offices and circumstances to disqualify a person for the office of Councillor.

X. And be it enacted, That no person being of Holy Orders, or being a Minister or Teacher duly licenced by any denomination of Christians in this Province, shall be qualified to be elected a Councillor of the said City, nor shall any one be qualified to be elected a Councillor of the said City who shall not be seized or possessed of real or personal estate, or both, to the amount of five hundred pounds over and above all legally recorded incumbrances, and shall have been assessed in respect to all rates for the relief of the poor, road, and other rates, and shall have paid such rates to the amount of two pounds ten shillings, which have fallen due and payable one month previous to the day of election, or during such time as he shall hold any office or place of profit, other than that of Mayor, in the gift

gift or disposal of the said Council, or during such time as he shall have, directly or indirectly, by himself or his partner, any share or interest in any contract or employment with or on behalf of the Council; provided that no person shall be disqualified from being a Councillor as aforesaid, by reason of his being a proprietor or shareholder of any Company which shall contract with the Council for lighting or supplying with water or insuring against fire any part of the said City.

XI. And be it enacted, That the Councillors of the said City of Fredericton, at the periods hereinafter appointed, shall be chosen by the majority of votes of such persons only, being inhabitant householders within the Ward for which such election shall be had, as shall severally be possessed, and be actually in the occupation as the *bona fide* tenant and occupier at the time of the election, and for not less than two months next before such election, of an entire and separate dwelling house within the said Ward, of the actual and *bona fide* yearly rent or value of fifteen pounds or upwards, or of some share, part or interest in some dwelling house within the said Ward, the *bona fide* yearly rent or value of which share, part or interest shall be fifteen pounds or upwards, held by them respectively, in freehold, or for a term of years, or for a term not less than one year, and who shall have been resident within the said City during two years or more previous to any such election; and part of a dwelling house in which an inhabitant shall reside as a householder, and not as a boarder or lodger, and having a separate communication with the street, and being in every respect distinct and separate from any part of the same or any other house, shall be considered a dwelling house within the meaning of this enactment; provided always, that when and so soon as any rate or rates, assessment or assessments shall be paid for the roads or the relief of the poor by and under the authority of this Act, or otherwise, no such inhabitant householder shall be entitled to vote at the election of Councillors as aforesaid, unless he shall have been rated to and in respect of the rates or assessments laid as aforesaid, and shall have paid his rates and assessments in full, to the amount of twenty shillings, which fell due one month before the time of such election; of which payment the evidence shall be the receipt of the Treasurer or the Collector of Rates, produced at the time of voting, if required, and then lodged with the returning officer of any such election; and provided also, that after any such rate or assessment shall have been laid as aforesaid, every male person, though not a householder, who shall have been resident in the said City during two years next preceding any such election of Councillors, and who shall have been the *bona fide* tenant and occupier, or the owner and occupier in his own right of any warehouse, counting house, or shop, office, field, or wharf, of the *bona fide* yearly rent or value of fifteen pounds or upwards, or who shall have been the *bona fide* tenant and occupier, or the owner and occupier in his own right, of any share, part or interest in some warehouse, counting house, or shop, office, field or wharf, the *bona fide* yearly rent or value of which share, part or interest shall be fifteen pounds or upwards, within any of the Wards of the said City, during twelve months next preceding, and at the time of such election, and shall have been rated for not less than one year in the said City for any such rate or assessment as aforesaid, and shall have paid such rates to the amount of twenty shillings in manner aforesaid, shall be entitled to vote at the election of Councillors to be had in the Ward in which such premises shall be situated; and provided also, that no such inhabitant householder, or occupier of a warehouse, counting house, or shop, office, field, or wharf, or share, part or interest therein aforesaid, within the said City, shall be entitled to vote at any such election of Councillors unless he shall have paid the amount of all rates and assessments within the said City

Councillors to be chosen by persons qualified as herein specified.

of Fredericton that may have been due and payable by him, one month before the holding of any such election; of which payment the evidence shall be the receipt of the City Treasurer or Collector of Rates, produced, if required, at the time of voting, and then lodged with the returning officer at any such election.

Qualified voters to assemble annually, and fill up vacancies in the Council.

XII. And be it enacted, That on the last Monday in March which will be in the year of our Lord one thousand eight hundred and forty nine, and on the same day in every succeeding year, the inhabitant householders and persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and elect from the persons qualified to be Councillors such and so many fit and proper persons to be City Councillors for each of such Wards respectively, or so many as shall be required to supply the places of those who shall then go out of office.

Places where, and parties before whom such elections are to be held.

XIII. And be it enacted, That the election of Councillors to be had as aforesaid on the last Monday in March which will be in the year of our Lord one thousand eight hundred and forty nine, and all subsequent elections of Councillors to be had under the provisions of this Act, shall after notice as hereinbefore prescribed in regard to the past election, be held at convenient places in the said several Wards of the said City, and shall respectively be held by and before such of the Councillors of the said City, as may by the Mayor of the said City for the time being be appointed, or in the case of vacancy in the office of Mayor, by the Councillors of the said City.

Time and manner of conducting elections of Councillors.

XIV. And be it enacted, That at elections of Councillors as aforesaid, the poll shall be opened at nine o'clock in the forenoon, and shall continue open till five o'clock in the afternoon of the same day; and the name of each elector voting at such election shall be written in Poll Lists to be kept at such election, by the officer or person holding the same; and after finally closing the poll at any such election, the officer or person by whom the same shall be held, shall forthwith proceed publicly to declare the number of votes given for each candidate or person for whom votes shall have been taken, and shall declare the person or persons having the majority of votes in his or their favour to be duly elected as aforesaid; and if there should be at the final closing of the poll as aforesaid, an equal number of votes polled for two or more persons, it shall be lawful for the officer or person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them, and determine the election; and the Poll Lists kept at such election, shall, by the officers or persons holding the same, be delivered within three days after the conclusion of every such election, to the Clerk of the City, to remain in his office, where they shall be open to inspection by any elector, on the payment of the fee of one shilling; provided that in case of a scrutiny being demanded, every such scrutiny, if persevered in, shall be finally determined by the City Council, by the judgment of the Councillors elect, or any three of them, whose elections are not disputed, and who shall have power to hear witnesses on oath, and to appoint a Chairman, with right to vote, and if need be, to give a casting vote; provided that no vote shall be scrutinized but those marked as having been sworn, and that such scrutiny or scrutines shall be proceeded in on the day next after the close of the said elections, and thenceforth day by day, without intermission, (Sundays, Christmas Day, and Good Friday, excepted,) until all of the said scrutines, in rotation, if more than one, shall be determined, no one scrutiny being allowed to engage more than two days; and provided also, that the returning or presiding officer shall in the case of all after the first, make the same returns to the City Council,

[Poll Lists to be filed, and open for inspection.]

Scrutiny.

Return.

as is hereinbefore directed to be made by the Sheriff to the Secretary's Office in the case of the first election, and the City Council shall thereupon in every case publish such returns immediately thereafter.

XV. And be it enacted, That it shall be the duty of the presiding officer at any Ward meeting for the election of officers, or for any other purpose now or hereafter to be appointed, and they shall and are hereby declared to have full power and authority to preserve order and decorum, and to suppress all riotous, tumultuous and disorderly conduct therein, and for that purpose to call to his aid any Constable or other peace officer, and also to command the aid and assistance of any person or persons who may be present; and any peace officer or other person neglecting or refusing to afford such aid shall be taken and deemed to be guilty of a misdemeanor; and such presiding officer shall for the time being have the power and authority of a Justice of the Peace, and shall have authority to cause any person or persons who shall be guilty of any riotous, tumultuous or disorderly conduct at any such meeting, to be taken into custody and committed to Gaol; provided however, that such imprisonment or restraint shall not at any time continue more than forty eight hours after the adjournment or dissolution of such meeting; and provided further, that the person so guilty of such disorderly conduct shall be liable, notwithstanding such restraint, to be prosecuted and punished in the same manner as if such arrest had not been made.

Powers and duties of officer presiding at elections.

XVI. And be it enacted, That persons entitled to vote at the election of Councillors as aforesaid, may vote in any and every Ward in which they may respectively be qualified.

Electors may vote in each Ward in which they have a qualification.

XVII. And be it enacted, That every person desirous of voting at any election of Councillors shall, before he be permitted to vote, if required by the officer or person holding any such election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election in manner hereinbefore provided, which oath the officer or person holding such election is hereby authorized and required to administer, and which oath shall be in the form following, that is to say :

Intending voters may be sworn.

' I, A. B., do solemnly swear, that I am a British subject, that I have resided in this City for two years or upwards now next preceding, and am qualified by Law to vote at this election, and have not voted before at this election within this Ward. So help me God.'

Form of oath.

And in every case the presiding officer shall note in his Poll Book that the voter was sworn, and which of the said qualifications, and the nature of the tenure he swore to.

XVIII. And be it enacted, That if any person shall knowingly swear falsely as to any of the particulars of his alleged qualification, or if he shall knowingly swear falsely in taking any or either of the oaths prescribed by this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury.

False swearing deemed perjury.

XIX. And be it enacted, That all Officers of the City, who, by the provisions of this Act, shall go out of office, shall be capable of immediate re-election, if then qualified.

Retiring officers may be re-elected.

XX. And be it enacted, That if at any election of a Councillor or Councillors as aforesaid, any person shall be elected a Councillor for more than one Ward of the said City, he shall, within three days after notice thereof, make his option, or, on his default, the Mayor of the said City shall declare for which one of the said

Councillors elected for more than one Ward to choose which they shall serve; on default, Mayor may decide.

Wards

Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward only, and in no other; and another election shall thereupon be held in the Ward for which such person shall not elect to serve, as in other cases of extraordinary vacancies.

A City Auditor to be appointed.

XXI. And be it enacted, That on the last Monday of March in the year of our Lord one thousand eight hundred and forty nine, and in every succeeding year, or as soon thereafter as the returns of the members elect shall be complete, the members of the said Council shall elect a reputable inhabitant of the said City to be and who shall be called Auditor of the said City of Fredericton, whose duties shall be defined by the bye laws of said Corporation; and every such Auditor shall continue in office until the first Monday of April in the year following his election; provided always, that no member of the said Council, nor the Clerk, nor the Mayor of the said City, shall be capable of being elected an Auditor as aforesaid.

Elections to supply extraordinary vacancies in the office of Councillor to be held on a day to be fixed by the Mayor.

XXII. And be it enacted, That if any extraordinary vacancy shall occur in the office of Councillor of the said City, after the first election of such officers to be had as aforesaid, the persons qualified to vote shall on a day to be fixed by the Mayor, (such day not being later than ten days after such vacancy,) elect from the persons qualified to fill such office, another person duly qualified to fill such vacancy; and such election shall be held, and the voting or other proceedings be conducted in the same manner, and subject to the same provisions as are hereinbefore enacted with respect to the elections of the like officers to be had as aforesaid; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been chosen would, in the ordinary course, have gone out of office, when he shall go out of office.

Fines for non-acceptance of office:

XXIII. And be it enacted, That every person, duly qualified, who shall be appointed or elected to the office of Mayor, Councillor, Auditor or Assessor of the said City, shall accept the office to which he shall have been so appointed or elected, or shall, in default thereof, pay to the Treasurer of the said City, to and for the use of the said City, a fine as follows, that is to say: for the non-acceptance of the office of Councillor, a fine of five pounds; for non-acceptance of the office of Auditor or Assessor, a fine of three pounds; and for non-acceptance of the office of Mayor, a fine of ten pounds; and the election to any of the said offices shall be held *prima facie* evidence of qualification on the part of the person appointed, unless such person shall make oath before the Mayor, who is hereby authorized to administer such oath, that he is not possessed of the qualification for the office required by this Act, in some particular or particulars to be stated in such oath; and every such fine, if not duly paid, shall be levied under the authority of the Warrant of any Justice of the Peace having jurisdiction within the said City, who is hereby required, on the application of the said Council of the said City, to issue the same, by distress and sale of the goods and chattels of the person so refusing to accept such office, with the reasonable charges of such distress; and every person so elected shall accept such office by taking the Oath of Allegiance and Oath of Office hereinbefore mentioned, within four days after the notice of his election, and in default thereof shall be liable to pay the fine aforesaid, as for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a new election, to be made in the manner hereinbefore prescribed; provided always, that no person disabled by lunacy or imbecility of mind shall be liable to such fine as aforesaid; and provided also, that every person so elected to any such office who shall be above the age of sixty five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which

Councillor, Auditor or Assessor, Mayor.

Recovery of fine.

Exempts.

which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within five days after notice of his election; and provided also, that no Military, Naval, or Marine Officer, in Her Majesty's Service, on full pay, nor the Members of the Legislature of this Province, the Members of the Executive Council, nor persons who at some former time have been Members of the Executive or Legislative Councils of this Province, nor the Surveyor General, the Adjutant General of the Militia, the Provincial Secretary, Clerks in Public, Civil or Military Departments, the Post Master General and his Deputies, Custom House Officers, the Sheriffs and Coroners, the Clerks and Commissioned Officers of the Legislature and of the Executive Council, practising Attorneys, and Schoolmasters, shall be held or bound to accept of any such office as aforesaid, or any other office in the said City.

XXIV. And be it enacted, That if any person holding the office of Mayor or Councillor shall be declared Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his Creditors, or being Mayor, shall be absent from the said City for more than two calendar months, or being a Councillor, for more than six months, at one and the same time, (unless in case of illness,) then and in every such case, such person shall immediately become disqualified, and shall cease to hold the office of Mayor or Councillor as aforesaid; and in the case of such absence, shall be liable to the same fine as if he had refused to accept such office, unless such absence be by leave first obtained from the City Council.

Mayor or Councillor to be disqualified by bankruptcy, absence, &c.

XXV. And be it enacted, That the said Mayor for the time being, shall, during his continuance in such office, be and be deemed within the limits of the said Corporation, a Justice to keep the Peace in and for the said City, and shall have, use, and exercise the same and the like powers and authorities as if he were nominated and commissioned a Justice of the Peace in and for the said City, provided he shall first take and subscribe the oaths by law required for Justices of the Peace; and provided nothing in this Act contained shall be construed to give him authority as a Justice of the Peace over the County, or beyond the said limits; and provided also, that nothing herein contained shall be construed to affect the jurisdiction, within the said City, of Justices of the Peace for the County of York, now or hereafter to be appointed, except as hereinafter excepted.

Mayor to be a Justice of the Peace within the City.

XXVI. And be it enacted, That there shall be paid from and out of the monies belonging to the said City, to the said Mayor for the time being, in lieu of all fees and perquisites, a salary not exceeding fifty pounds currency.

Mayor's salary not to exceed £50.

XXVII. And be it enacted, That it shall be lawful for the said Council of the said City, from time to time, as occasion may require, to appoint a fit and proper person, not being a Member of the Council, to be Clerk of the said City; and another fit person, not being a Member of the said Council, and not being City Clerk, to be Treasurer of the said City; a City Marshall or High Constable of the said City; and two Constables for each Ward; and which said City Marshall or High Constable and Constables respectively, shall be duly sworn before the Mayor to the due execution of the duties of their office, and have all the power and authority vested by law in any Constable of the County of York; one or more fit person or persons, not being of the Council, to be Clerk or Clerks of the Markets of the said City; and one Surveyor of Highways, Streets, and Bridges; and one or more Collectors of Rates for said City; one or more Pound Keeper or Pound Keepers for the said City; and such other officers as they may think necessary to enable them to carry into execution the powers vested in them by this Act; and to prescribe and regulate the duties of all such officers respectively,

City Council to appoint a City Clerk, Treasurer,

Marshall, and Constables,

Clerks of the Markets, Surveyor of Highways, Collectors of Rates, Pound Keepers, and other necessary officers.

and

and at their pleasure to remove any such officer, and appoint another in his place; and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer, or other officer, as they shall think proper; and shall and may grant and alter in each and every year to the City Clerk, and other officers to be appointed as aforesaid, such salary, allowance, or other compensation for their services, as they may think fit; provided that no person shall be capable of acting as City Treasurer until he shall have been sworn before the Mayor faithfully to perform the duties of his office, as hereinbefore prescribed, nor until he shall have executed a Bond to the City of Fredericton, with two sufficient sureties to be approved by the City Council, in such sum as the Council shall prescribe, conditioned for the faithful performance of the duties of his office, in such form as the Mayor may approve, or any bye law require.

Treasurer to pay moneys on the order of the Council only.

XXVIII. And be it enacted, That the Treasurer of the said City shall not pay any monies in his hands as such Treasurer, otherwise than upon an order in writing of the Council of the said City, signed by the Mayor, or in his absence, by the presiding Councillor, and countersigned by the Clerk of the City.

City Treasurer to receive all rates, taxes, &c.

XXIX. And be it enacted, That the said City Treasurer shall receive all rates, taxes and assessments which shall be levied or imposed upon or payable by the inhabitants of the said City, in the manner and with all the power and authorities now vested by law, or exercised by the Treasurer for the County of York, in that part of the Parish of Fredericton herein incorporated, under and by virtue of the several Acts of Assembly now in force, and shall be entitled to receive such compensation, by way of salary or commission, as the Council of the said City shall from time to time allow.

Clerk, Treasurer, and other officers, to account when required by the City Council.

XXX. And be it enacted, That the Clerk, Treasurer and other officers of the said City, appointed by the Council as aforesaid, shall, respectively, at such times during their continuance in office, and also within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing of all matters committed to their charge by virtue or in pursuance of this Act, and also of all monies which shall have been by them respectively received by virtue or for the purpose of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments; and every such officer shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such person as the said Council shall authorize to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account, or the voucher relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize to receive the same, within three days after being thereunto required by the said Council, all books, documents, papers and writings in his custody or power, as such officer aforesaid, then and in every such case, on complaint made on behalf of the said Council, by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the District or County wherein such officer shall reside or be, such Justice of the Peace shall be and is hereby authorized and required to issue a Warrant under his hand and seal, for bringing any such officer before any two Justices of the Peace for such District or County; and upon the said officer not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any monies remain due from such officer, such Justices may, and they are hereby authorized

Proceedings on neglect.

authorized and required, on non-payment thereof, by Warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods and chattels of such officer; and if sufficient goods and chattels shall not be found to satisfy the said monies and charges of distress, or if it shall appear to such Justices that such officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or that any books, documents, papers or writing which were or are in the custody or power of such officer, in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then and in every such case, such Justices shall, and they are hereby required to commit such offender to the Common Gaol or House of Correction for the District or County where such offender shall reside or be, there to remain without bail until he shall have paid such monies as aforesaid, or shall have made satisfaction to the said Council, or until he shall have delivered a true account as aforesaid, together with such vouchers as aforesaid, or until he shall have delivered up such books, documents, papers and writings, or have given satisfaction in respect thereof to the said Council; provided always, that no person so committed, shall be detained in prison for want of sufficient distress only, for a longer space of time than three calendar months; provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officers so offending as aforesaid, or against any surety for any such officer.

XXXI. And be it enacted, That the Treasurer of the said City, shall, in Books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as such Treasurer, and of the several matters for which such sums shall have been received and paid; and the Books containing the said accounts shall at all seasonable times be open to the inspection of the Mayor or any of the Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall in the months of May and November in every year, be submitted by such Treasurer, to the Auditor elected for the said City as aforesaid, and to such member of the said Council as the Mayor of the said City shall name, on the first day of May in every year, or in case of any extraordinary vacancy of office, within ten days next after such vacancy, for the purpose of being examined and audited, from the first day of November in the year preceding to the first day of May, and from the first day of May to the first day of November in the year in which the said Auditor shall have been elected and named; and if the said accounts shall be found to be correct, the Auditor shall certify the same to be so; and after the said accounts shall have been so examined and audited in the month of November in every year, the Treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of the said City applying for the same, on payment of a reasonable price for each copy.

Accounts of moneys to be entered in Books open to the inspection of the Mayor, &c.;

and submitted semi-annually for audit.

A full abstract to be printed.

XXXII. And be it enacted, That in all meetings of the said Council to be held in pursuance of this Act, a majority of the members present at such meetings shall determine all questions and matters submitted to or under the consideration of the said Council; provided that the number present at the said meetings be not less than one half part of the entire number of Councillors composing the said Council; and at all such meetings the Mayor of the said City, if present, shall preside, and in case of his absence, such Councillor as the members of the Council so assembled shall choose to be Chairman of any such meetings, shall preside at the same; and in case of an equality of votes, the Mayor or Chairman presiding shall have a casting vote.

Decision of business before the Council.

Quorum.

XXXIII.

Quarterly meetings of the Council to be held.

XXXIII. And be it enacted, That there shall be in each year four quarterly meetings of the said Council, which shall be held on such days in each and every year as shall be provided by any bye law in that behalf; and the said meetings shall not at any one time be held for a longer period than three successive days, in which Sunday shall not be included.

Special meetings may be called by the Mayor; or on refusal, by three Councillors.

XXXIV. And be it enacted, That it shall be lawful for the Mayor of the said City to call a special meeting of the said Council when and as often as he may deem it proper, after three days previous notice thereof; and in case the said Mayor should refuse to call any such meeting, after a requisition for that purpose signed by three or more members of the said Council, it shall be lawful for such three or more members to call a meeting of the said Council, after three days previous notice, which notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the members; and in all cases of such special meetings as aforesaid, a summons to attend the Council, specifying the business to be transacted at such meetings, and signed by the City Clerk, shall be left at the usual place of abode of every member of the said Council three days at least before such meetings.

Minutes of proceedings to be entered in a Book.

XXXV. And be it enacted, That the Minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a Book to be kept for that purpose, and shall be signed by the Mayor or Councillor presiding at such meeting; and the said Minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors on payment of a fee of one shilling; and the said meetings shall be held with open doors.

Committees of the Council for business may be appointed.

XXXVI. And be it enacted, That it shall be lawful for the said Council to appoint from and out of the members composing such Council, such and so many Committees, consisting of such number of persons as they may think fit for the better transaction of the business before such Council, and for the discharge of such duties within the scope of their powers as may by the said Council be prescribed, but subject in all things to the approval, authority and control of the said Council.

City Council invested with power to make bye laws touching

XXXVII. And be it enacted, That the said City Council, in addition to the powers specially conferred in this Act of making Bye Laws for the good government of the said City, and the other powers incident thereto by the provisions of this Act, shall in the manner hereinafter mentioned have full power and authority from time to time to make, ordain, revise, alter, amend, administer, and enforce such laws as they may deem proper for the several purposes following, that is to say:

Markets;

First—To regulate and manage the Market or Markets, and to establish and regulate Market Days and Fairs; to regulate the place and manner of selling and weighing Butcher's meat, hay, straw, fodder, wood, lumber and fish; to restrain and regulate the purchase and manner of selling of all vegetables, fruit, country produce, poultry, and all other articles or things, or animals exposed for sale or marketed in the open air; to restrain and regulate the purchase of any such things by hucksters and runners living within the City, and one mile distant from the outer limits thereof; to regulate the measurement, length, and weight of coal, lime, boards and other lumber, shingles, lath, cord wood, and other fuel, and to impose penalties for light weight or short count or measurement in any thing marketed; to have the exclusive right of regulating weights and measures in the markets and within the said City, according to the lawful standard, and to seize and destroy such as are not according to the standard; to regulate all vehicles, vessels, and other things in which any thing may be exposed for sale or marketed

in

in any street or public place ; to seize and destroy all tainted and unwholesome meat, poultry, fish, or articles of food :

Secondly—To regulate the lading and unlading of vessels and other craft arriving at the said City ; to impose and collect such reasonable dues thereon as may be necessary ; to regulate and provide for the erection and rent of wharves, piers, quays and docks in the said City, and the toll to be paid for vessels or steam boats touching thereat ; and to prevent the filling up or incumbering the River Saint John within the limits of the said City, or impeding the free navigation thereof, and to regulate the Ferries :

Lading and unlading of Vessels ;
Ferries, &c.

Thirdly—To regulate the assize and price of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto ; to regulate carters, waggons and cartmen, the price to be paid them for hauling loads in the said City, and the quantity comprising a load :

Assize of Bread :

Fourthly—To enforce the due observance of the Sabbath ; to prevent vice, immorality and indecency in the streets or other public places, and to preserve peace, health and good order, and for the prevention or spread of infectious or other diseases ; to prevent the excessive beating or cruel and inhuman treatment of animals ; to prevent the sale of any intoxicating drink to children, apprentices, or servants, without the consent of their legal protectors ; to impose penalties on the keepers of low tipling houses, visited by dissolute and disorderly characters, where spirituous liquors are not sold ; to licence, regulate, or prevent billiard tables, bowling alleys, or other places of amusement ; to restrain or suppress gambling houses, and to enter into them and seize and destroy *rouge et noir*, and *roulette* tables, and other devices for gambling ; to restrain and punish all vagrants, drunkards, mendicants, and street beggars ; to restrain or regulate the licencing of all exhibitions of natural or artificial curiosities, theatres, circuses, or other shows, or exhibitions for hire or profit, and preserve order and quiet thereat :

Observance of the Sabbath, vice, tipling, gambling, &c. ;

Fifthly—To establish and regulate one or more Pounds, and the fees to be taken thereat, and to restrain and regulate the running at large of horses, cattle, swine, goats, sheep, dogs, geese, and poultry, and to impound the same ; to impose a tax on owners or harbourers of dogs ; to regulate and prevent dogs running at large, and to kill such as are found running at large contrary to law, after public notice given ; to abate, and cause to be removed, all public nuisances ; to regulate the construction of privy vaults ; to cause vacant lots in central situations, when they become nuisances, to be properly enclosed ; to regulate and prevent the erection or continuance of slaughter houses, distilleries, or other manufactories or trades which may prove to be nuisances ; to prevent the ringing of bells, blowing of horns, shouting, and other unusual noises in the streets and public places ; to prevent the injuring or destroying of trees planted within any of the streets or public grounds of the said City ; to prevent immoderate riding or driving ; to prevent or regulate bathing in the River Saint John or any public water in or near the City :

Pounds, dogs, nuisances, inclosures, slaughter houses, noises, trees, furious driving, &c. ;

Sixthly—To regulate and licence owners of livery stables or other owners of horses or carriages letting out the same for hire or profit, carters, porters, butchers, or hucksters :

Livery Stables ;

Seventhly—To establish and regulate a Police for the said City, and to provide for the proper keeping of any house of refuge, hospital, work house, bridewell, or house of correction, that may be erected in the said City :

City Police ;

Eighthly—To erect, preserve and regulate public cisterns, reservoirs, or other conveniences for the supply of good and wholesome water, or for the extinguishment of

Supply of Water ;

of fires, and to make reasonable charge for the use thereof; and to prevent the waste and fouling of public water, and for establishing, making and regulating public fountains, pumps and wells:

Fire arms, powder,
dangerous lights,
buildings,
chimneys, fire
buckets, &c.;

Ninthly—To prevent or regulate the firing of guns or other fire arms; to prevent or regulate the firing or setting off of fire balls, squibs, crackers, or other fire works; to prevent or regulate the keeping or transporting of gunpowder or other combustible dangerous materials; to prevent or regulate the use of fire, lights, or candles, in livery or other stables, cabinet makers and carpenters shops, and other combustible places; to regulate the carrying on of manufactories or trades dangerous in causing or promoting fire; and to regulate and require the safe keeping of ashes in proper deposits; to make such bye laws as they may deem expedient for the security, safety and advantage of the inhabitants, containing rules, regulations and restrictions to be observed by all persons in the erection of buildings to be built within the populous parts of the said City; to regulate the construction of any chimney, flue, fire place, stove, oven, boiler, or other apparatus or thing in any house, manufactory, or business, which may be dangerous in causing or promoting fire; to enforce the proper sweeping or cleaning of chimneys; to require the inhabitants of the said City to provide so many fire buckets in such manner and time as they shall prescribe, and to regulate the examination of them, and the use of them at fires; to regulate the conduct and enforce the assistance of the inhabitants at fires, and the preservation of property thereat; to make regulations for the suppression of fires, and the pulling down or demolishing of adjacent houses, and remunerating the owners thereof; to compel the owners of houses to have ladders leading to and on the roofs of such houses; to purchase fire engines, and establish and regulate fire, hook, ladder, and property saving companies:

Public property;

Tenthly—To regulate the management and provide for the security of the public property of the said City of every kind, and to provide for the permanent improvement of the said City in all matters as well ornamental as useful:

Registration of
electors;

Eleventhly—To regulate the registration of electors, and to regulate and prescribe the duties of all officers acting under the authority of the City Council, and the penalties on their default of duty:

Lighting the City.

Twelfthly—For defraying out of the funds of the said City, if necessary, the expense of lighting the same, or any part thereof, with gas, oil, or other substances, and the performing of any kind of work required for the purpose of supplying the said City with gas, and for obliging the proprietors or occupiers of real property to allow such work to be done, and fixtures placed in or about their premises, that may be necessary, such work and fixtures to be done at the expense of the City, and for the erection of all works connected therewith, or necessary to provide a supply of gas for the inhabitants of the said City, and to provide for the erection, preservation and security of lamp posts, sign boards, and other fixtures; and generally, make all such laws as may be necessary and proper for carrying into execution the powers herein or hereafter vested in the said City Council, or any department or office therein, subject to the limitation with regard to penalties contained and prescribed in the next succeeding section of this Act.

Council empowered
to make bye laws
for the government
of the City, and for
raising money for
the execution of
their powers.

XXXVIII. And be it enacted, That it shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two thirds of the members thereof, to make such bye laws as to them shall seem meet for the good rule, peace, welfare and government of the said City, and for raising, assessing and applying such monies as may be required for the execution of the powers with which the said Council is hereby invested, and for maintaining

maintaining in the said City a good and efficient system of Police, in such manner as may by law be provided, either by imposing tolls and rates to be paid in respect of any public works, or in any other matter or thing within the said City, or by means of any rate or assessment to be assessed and levied on real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property, or upon the sale of goods by public auction within the said City; and to impose by such bye laws, such fines not exceeding five pounds, and such imprisonment not exceeding thirty days; as they may deem proper for enforcing the same; and provided that not more money in the whole than five hundred pounds shall in any one year be assessed or levied on, or be collected or raised from the said City, by authority of the City Council, for any purpose which the said City Council may not be authorized by virtue of the power now vested in the Justices of the Peace for the County of York, and by this Act transferred to the said City Council; and that if for any purpose the City Council shall deem a larger amount to be requisite or proper, the said City Council shall make application to the Lieutenant Governor or the Administrator of the Government for the time being, and the Executive Council of the Province, for leave to increase such amount, who shall thereupon have power, by an order, from time to time, in such application to be made and passed, to authorize the City Council to assess or levy on, or collect and raise from the said City, a further sum for the object and purposes expressed in the application of the City Council in that behalf, and which shall be expressed in said order, not to exceed five hundred pounds additional; and provided every such application shall be passed in the City Council by a majority of the Board present on the occasion, and that the number of the members of the City Council then present, who shall have voted for such application being made, shall be at least six; and provided every such member shall have signed in the Record of the said City Council's proceedings, the resolution passed in favour of making such application, and shall also sign the application to be therefor made to the Governor and Council as aforesaid.

Annual amount limited.

XXXIX. Provided always, and be it enacted, That a copy of every bye law to be made by virtue of this Act, which is intended to be in force for a longer period than twelve months, shall be transmitted with all convenient speed after the making thereof, to the Governor of this Province for the time being; and it shall be lawful for the said Governor, by and with the advice of the Executive Council of this Province, within one month from and after the receipt of such copy, to disallow any such bye law, and such disallowance shall, without delay, be signified to the Mayor of the said City, and thenceforward such bye law shall be void and of no effect; provided also, that all bye laws repugnant to any law of the land, or to any Act of the Legislature of this Province, shall be null and void; and no bye law shall have any force or effect for a longer period than twelve months after the making thereof, unless the same shall have been made, and shall be so transmitted as aforesaid, and then approved, or until after the said one month without disapproval.

Bye Laws having more than twelve months duration, to be submitted to the Governor in Council, with power to disallow.

XL. And be it enacted, That from and after the passing of this Act, all power and authority granted to the Justices of the Peace for the County of York, to make bye laws, rules or regulations upon any subject, and for any purpose whatever within the said City, shall be deemed vested exclusively in the said Council, as fully to all intents and purposes as if the authority aforesaid had been particularly vested in the said Council; provided always, that nothing herein contained shall have the effect of repealing any such bye law, rule or regulation, until the said Council shall expressly declare such repeal, so far as it relates to the said City, by a bye law.

Powers of Justices of the County to make bye laws applicable to the City, transferred to the Council.

On the making of bye laws for extinguishing fires, &c., operation of Provincial Fire Laws to cease.

XLI. And be it enacted, That when the said Council shall make a bye law for the extinguishing of Fires and the establishment of an efficient Fire Police, the operation of any Law of the Province relating to the extinguishment of Fires in the said City, shall cease and be of no effect, save only the right and interest, debts and claims of any person or persons incurred or induced by the authority in any such law contained, or the power therein granted; but such law shall be, and is hereby continued until the making of such bye law; provided that all property, engines, buckets, hose, and fire apparatus, previously purchased by the Fire Wards of Fredericton for the use of the inhabitants, shall be deemed to be the property of the Corporation.

Council may appoint a Recorder, with a Salary not exceeding £30.

XLII. And be it enacted, That the City Council, if they shall think fit to do so, shall appoint a Recorder for the said City, being a Barrister of the Supreme Court of New Brunswick, of at least three years standing, whose duty it shall be to afford legal advice and assistance to the Mayor, Council, and other officers of the said City, in the performance of their respective duties, and in the business of the Police, when occasion shall require such advice therein; and the said Recorder shall hold his office during good behaviour, and shall receive a salary not exceeding thirty pounds, from the City funds, in lieu of all fees; provided that no person shall have any authority to act in or hold the said office, until his election and appointment shall be approved by the Governor of the Province, in the manner herein directed in the case of Mayor, and after such approval, until he shall have been sworn before the said Governor, or in his absence, the Chief Justice or any other the Justices of the Supreme Court, or the Secretary of this Province, faithfully to perform the duties of his office.

Officer elect to be approved by the Governor.

Licences not otherwise provided for, to be granted by the Mayor and two Councillors.

XLIII. And be it enacted, That all Licences not hereinbefore provided for, which are now by law required or appointed to be granted for any purposes within that part of the Parish of Fredericton hereby incorporated, shall be granted by the Mayor and any two Councillors of the said City; and the duties and fees thereupon payable shall be paid into the City Treasury, and the same shall form part of the City funds.

Mayor, Recorder and Councillors to be *ex officio* Justices of the General Sessions of the Peace.

XLIV. And be it enacted, That the Mayor and Recorder, when appointed, and the Councillors of the said City, shall be *ex officio* Justices of the General Sessions of the Peace for the County of York, and as such shall severally exercise all the powers the Justices of the Peace for the County of York can exercise in in the said General Sessions or any Special Sessions.

Mayor and Recorder to be *ex officio* Judges of the Common Pleas.

XLV. And be it enacted, That the Mayor and Recorder, when appointed, shall be severally *ex officio* Judges of the Inferior Court of Common Pleas for the said County.

All officers to be remunerated by salaries.

Fees to be paid over to the Treasurer.

XLVI. And be it enacted, That all the officers of the said City shall be remunerated by fixed salaries, to be adjusted, settled and fixed from time to time by the said City Council; and all fees of any nature or kind which may be paid to or received by any officer of the said City for any act, matter and thing done by him in virtue of such his office, shall be paid over to the City Treasurer, and form part of the funds of the said City; save and except any fees paid to or received by the Mayor or Recorder when appointed as a Justice or Justices of the Inferior Court of Common Pleas for the County of York, which shall be retained by the said Mayor or Recorder.

Exceptions.

Certain properties exempted from taxation.

XLVII. And be it enacted, That all lands, tenements, hereditaments, goods, chattels or effects belonging to King's College, any other ecclesiastical or charitable Corporation, or to any Church, Chapel, or place of Public Worship, or Her Majesty, Her Heirs or Successors, or the Provincial Government, or any department

department thereof, and all shares or stock in any Banking or Insurance Company, or other joint stock Company, owned by any person or persons not resident in the said City, shall be exempted from taxation under the authority of this Act.

XLVIII. And be it enacted, That the Sheriff of the County of York, and such and so many of the Coroners of the said County as shall be resident freeholders or householders in the said City, shall be respectively Sheriff and Coroner or Coroners of the said City.

Sheriff of York, and resident Coroners, to be Sheriff and Coroners of the City.

XLIX. And be it enacted, That the Register of the County of York shall be *ex officio* Register of the said City.

Register of County to be Register of the City.

L. And be it enacted, That the Common Gaol of the County of York shall be deemed and taken to be the Common Gaol of the said City.

County Gaol to be the City Gaol.

LI. And be it enacted, That the Treasurer of the said City shall, from the City funds, contribute and pay to the Treasurer of the County of York, annually, or at such times and in such manner as may be agreed upon between the said City Council and the Justices of the Peace for the County of York, the fair proportion of the expenses attendant upon the administration of justice in the said County, which the said City should pay; the amount thereof, when adjusted and regulated, shall not exceed the proportion that the population of the City bears to the population of the County.

Proportionate share of expenses of administering justice to be paid to the County Treasurer.

LII. And be it enacted, That the lands vested in the Justices of the Peace for the County of York by an Act made and passed in the ninth year of the Reign of Her Majesty Queen Victoria, intituled *An Act relating to an exchange of Lands in Fredericton with the Ordnance Department*, for the use and benefit of the said City, shall be deemed vested in the said Corporation; and the said City Council shall have full power and authority to collect the rents and profits accruing from the said land, or to lease any such land upon the terms, conditions and covenants prescribed by an Act made and passed in the tenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act relating to certain public Lands in Fredericton*; and any sum or sums of money heretofore collected or paid to the Treasurer of the County of York for rent of any of the said land, shall be paid to the City Treasurer for the use of the said Corporation, subject alone to the deduction of any monies specially authorized to be paid by the said last recited Act; and any lease executed by the Justices for the County of York with any person or persons shall be deemed to be made to and on behalf of the said City, without any assessment thereof; provided always, that such City Council shall have no power to appropriate the piece or parcel of the Hospital Lot (so called) to any other purpose than a Market, nor to dispense with the conditions and covenants with regard to the erection of brick or other buildings on the six Town Lots of the said land leased upon such covenants.

Lands exchanged with the Ordnance, and their issues, vested in the City Council.

LIII. And be it enacted, That notwithstanding any licence heretofore granted by the Justices of the Peace for the County of York to any person or persons, the said City Council shall have full power and authority to impose such toll and to exact such rent for any Ferry now or hereafter established across the River Saint John, opposite to the said City, as they may deem advisable; provided that nothing herein contained shall be construed to extend to interfere with the Ferry granted to King's College, or to authorize the imposition of any toll or rent thereon.

Rents of Ferries to be regulated by the City Council.

LIV. And be it enacted, That any balance of the Fredericton Improvement Fund (so called) now remaining in the hands or under the control of the Commissioners appointed by the Executive Government to expend the same, shall be paid over to the Treasurer of the said City, for the use of the said City, as soon after the appointment of the said Treasurer as may be.

Balance of Fredericton Improvement Fund to be paid to the City Treasurer.

LV.

Lands, &c. granted, reserved, &c., for the use of the inhabitants of Fredericton, vested in the City Corporation.

Reservations.

City Council to have the power of the General Sessions in assessing the City for special objects.

Appeals from assessments to be made to the City Council.

Assessors to annually make an assessment of the value of property in each Ward.

Assessment Books to be made up from such Returns.

Powers of the General Sessions in granting Tavern and other Licences for the sale of Spirituous Liquors within the City, transferred to the City Council.

Specialties.

LV. And be it enacted, That from and after the passing of this Act, all the lands, tenements or hereditaments granted to any person or persons, or body politic, for or reserved for the use of the inhabitants of Fredericton, or by any law declared to be vested in any person or persons for the use of the said City, shall be and become vested in the said Corporation, for the use and purpose of the original grant or reservation, and all the rents, issues and profits thereof shall enure to the said Corporation; provided always, that nothing herein contained shall be construed to affect the rights of the Queen, or Her Heirs and Successors, or any person or persons deriving his or their interest therein or thereto from Her Majesty, or Her Royal Predecessors; and all grants and assurances of any of the said land, by Her Majesty, or Her Royal Predecessors, to any person or persons, or body corporate, shall be deemed valid and effectual, notwithstanding the said original reservation thereof, and any laws relating thereto shall continue in full force and effect in the same manner as if this Act had not been passed.

LVI. And be it enacted, That the said City Council shall have power to assess the City of Fredericton, for all the purposes and objects which the General Sessions of the Peace for the County of York, or any Special Sessions, or any other person or persons now have power to assess that part of the Parish of Fredericton herein incorporated, by any law specifying such purpose, in addition to the power conferred by this Act; provided that the said Justices of the General Sessions shall have no power of assessment within the said City for any purpose whatever; and further provided, that nothing in this Act contained shall be construed to extend to prevent the collection of any assessment previously made upon the inhabitants of the said City.

LVII. And be it enacted, That all appeals from the assessment of rates authorized and to be made in the City of Fredericton by and under the authority of this Act, or of any other Act of the General Assembly, instead of being made to the Court of General Sessions of the Peace for the County of York, as is prescribed by the several Acts in force relating to assessing and collecting County and Parish Rates, shall hereafter be made to the City Council in the same manner and under the like direction as are now by law provided.

LVIII. And be it enacted, That it shall be the duty of the City Assessors, once in each year, at least, or oftener if required so to do, to make, under the direction of the City Council, and upon the requisition of the City Clerk, an assessment of the value of the property in each Ward, in the manner now prescribed by law for the assessment of the Poor and County Rates, and shall return such assessment to the City Council in thirty days after the receipt of the said requisition; and that the said Assessors, or any two of them, to be appointed by the said Council, shall thereupon forthwith proceed to make up the assessment Books for the City from the returns of the Assessors, in the manner now required to be done.

LIX. And be it enacted, That the City Council shall have full power to grant Licences to Innkeepers within the said City; and also Licence for the sale of Liquors of any kind, in all cases wherein the Court of Sessions for the County of York, or any Special Sessions, or any Justice or Justices of the Peace have heretofore been authorized to grant Licences; and the said City Council shall be vested with all the power that Justices are vested by any law in force for the purpose of enforcing any rules or regulations made to govern Innkeepers, and to compel the attendance of witnesses; and in granting such Licences it shall be lawful for the City Council to annex thereto such reasonable conditions in regard to time and place and other circumstances under which such Licence shall be acted

acted upon, as in their judgment the peace, quiet and good order of the City may require; and also to take Bonds of all persons so licenced, in reasonable sums, and with sufficient sureties to be approved by the Mayor of the City for the time being, conditioned for a faithful compliance with the terms of their said Licences, and of all laws and regulations respecting the subject of such Licences; and the said City Council, after the granting of any such Licence, shall have power to revoke or suspend the same, if, in their judgment, the order and welfare of the said City require it; and any person or persons who shall sell Liquors of any kind within the said City, without having first obtained a Licence therefor, or in any manner contrary to the terms of the said Licence, or after the same shall have been revoked or suspended, such person or persons shall be liable to the same penalties and forfeitures, and be prosecuted in the same manner as now by law provided in such case; and shall also be taken and deemed to have forfeited their Bonds, respectively given as aforesaid, upon which suits may be instituted against such licenced persons, or their sureties, at the discretion of the said City Council, in such manner as they may direct for the purpose of enforcing such forfeitures; and that all Innkeepers, retailers, and other licenced persons, under or in pursuance of this Act, shall be liable for and pay the same licence duty now imposed by law, to the City Treasurer, in the same way and manner as the same is now by law required to be paid to the Clerk of the Peace of the County of York, or other person or persons authorized to receive the same; and that the City Clerk shall exercise all the powers and authority and duties now vested by law in the Clerk of the Peace of the County of York; but the fees accruing to such Clerk, and the Licence money, shall be paid to the City Treasurer, for the use and benefit of the Corporation.

LX. And be it enacted, That the said City Council shall have the exclusive power to open, lay out, regulate, repair, amend and clean the streets and alleys of the said City, and of putting drains and sewers therein, and to prevent the encumbering of the same in any manner, and to protect the same from encroachment and injury by such bye laws, and ordinances as they may from time to time pass; and for making, levelling, flagging, paving, macadamizing, raising, repairing, lighting, watching, planting, and cleaning any of the streets, squares, lanes, walks, side walks, crossings, roads, bridges, wharves, docks, slips, sewers, and shores, now laid out and erected, or being or hereafter to be laid out and erected, within the limits of the City, and to regulate or prevent the encumbering, injuring or fouling of the same by any animals, vehicles, vessels, craft, lumber, building or other materials or things, or in any way whatsoever; to regulate the breaking of the roads and streets of the said City in the winter, and to require the owners of horses, sleds, and other teams, to assist thereat, and the cutting holes in the ice of the River Saint John in front of the said City; for directing and requiring the removal, at any time, of any door steps, porches, railings or other erections, projections, or obstructions whatsoever, which may project into or over any public street, square or road, at the expense of the proprietors or occupants of the real property in or near which such projection or obstruction may be found; for assessing the proprietors of real property immediately benefited by such improvements, for such sum or sums as may at any time be necessary to defray the expense of making or repairing any common sewer, drain, flagging, posts, or pavement of stone, deal, or plank, in any public street, square or place, and for regulating the time and manner in which such assessment shall be collected and paid; and all power and authority vested in the Justices of the Peace for the County of York, or in the Commissioners of Highways for the Parish of Fredericton,

Council to have the exclusive power in opening, repairing and cleaning the streets, and freeing them of incumbrances.

Powers of Justices of the Peace, or Commissioners of Highways, vested in the City Council.

Fredericton, by any law now in force relating to Highways, or to provide for the repair of the streets and highways in that part of the Parish of Fredericton incorporated by this Act, shall be vested in the said City Council, who are hereby empowered to carry into effect the provisions of such law; provided that nothing herein contained shall be construed to extend to authorize the opening of any roads and highways through the private property of any person or persons, without complying with the provisions of any Act or Acts then in force providing for the awarding of damages to any person or persons who may be injured thereby.

Officers for the City now appointed by the General Sessions, to be appointed by the City Council.

LXI. And be it enacted, That the appointment of all officers of, or pertaining to the said City, who are now nominated and appointed by the Court of Sessions in pursuance of the several Provincial Statutes in such case made and provided, shall be vested in the City Council; and the persons so by them appointed shall have and exercise all the power and authority which can be enjoyed by the said officers respectively under the present mode of appointment; provided always, that the said City Council shall exercise and enjoy full power and authority from time to time to decide upon the expediency of filling up any such office, and to prescribe the duties of all such officers, and to fix the rate of compensation to be paid or received by each of them respectively, as they may see fit, and that nothing in this section contained, shall be construed to abridge the authority which by virtue hereof the City Council would otherwise possess over the said offices, or their respective officers.

Parties intrusted with the expenditure of public moneys under the Corporation, to account thereto.

LXII. And be it enacted, That all Boards, Commissioners and officers appointed to act under the authority of said Corporation, and entrusted with the collection or expenditure of any public money, shall be accountable therefor to the said Corporation in such manner as may be ordained and directed by the bye laws and ordinances of the said City; and that the Books of Accounts of said Corporation, shewing the amount, particulars, state and circumstances, and also the receipt and expenditures of, and on account of the property, funds, taxes, effects and fees, belonging and accruing, or payable to the said Corporation or any of its officers, shall be deposited and kept in the office of the City Clerk, and shall be there opened and exhibited on the first Monday of every month from the hours of ten o'clock A. M., to four P. M., for inspection and examination by every elector of the City who may on that day apply to see and inspect the same.

Accounts, after approval by the Council, to be published.

LXIII. And be it enacted, That the said City Council, after the Accounts of the said City and Corporation shall be checked, audited, discussed and approved by the said Council, shall cause the same to be published in detail, countersigned by the Mayor and City Clerk, in such way and manner as may appear the best adapted to make generally known the said Accounts.

This Act not to affect the jurisdiction of the Inferior Court of Common Pleas, &c., in criminal matters, nor in other matters not transferred to the Corporation or its officers.

LXIV. And be it enacted, That nothing herein contained shall be construed to repeal or vacate the jurisdiction or Sittings of the Inferior Court of Common Pleas for the County of York, as now by law established, or the jurisdiction or Sittings of the Court of Quarter Sessions, or of any Special Sessions of the Peace, or of any Justices of the Peace, or of the Grand Jury as Grand Inquest of the County, within the said City, in matters of criminal nature, and not affecting the fiscal, prudential or municipal affairs of the said City, which are not hereby transferred or granted to the said Corporation or some of its officers; provided always, that so far as relates to the fiscal, prudential and municipal affairs of the said City, the said Justices shall have no right to interfere.

The fact of being a citizen, or officer of the Corporation, to be no objection as a witness.

LXV. And be it enacted, That in all actions, suits, indictments, informations, or prosecutions whatever, civil or criminal, at law or equity, or otherwise, in which the said City or Corporation shall be a party concerned, it shall not be received

received or allowed as an objection to the competency of any witness that he is a citizen or officer of the said City or Corporation, that such objection shall go to the credit only.

LXVI. And be it enacted, That it shall be lawful for any person holding the office of Councillor, to resign his said office at any time by a declaration to that effect under his hand, and on the payment of a fine of five pounds, and thereupon a Councillor shall be elected in the manner aforesaid, for the Ward for which such Councillor so resigning was elected.

Councillors may
resign their office.

LXVII. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect, or be construed to derogate from or affect, the rights of Her Majesty, Her Heirs or Successors, except in so far as the same may be specially affected by the provisions of this Act.

Rights of Her
Majesty reserved.

LXVIII. And be it enacted, That the words "Governor of this Province," or "Governor," whenever they occur in the foregoing enactments, are to be understood as meaning and comprehending the Governor or the person authorized to execute the Commission of Lieutenant Governor within this Province for the time being, and the month shall be construed to mean a calendar month.

Construction
of Act.

LXIX. And be it enacted, That the said City Council shall have full power and authority to make such agreement with the Justices of the Peace for the County of York, or the Commissioners of the Alms House for the time being, relative to the Alms House now erected in the said City, and the land connected therewith, and relative to the management of the same and the support of the Poor of the said City, as the interests of the said City shall require, and as may be agreed upon and determined between the said City Council and the said Justices or Commissioners aforesaid, or both, as the case may be.

An agreement may
be made relative to
the Alms House,
and support of the
Poor of the City.

LXX. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and sixty, and no longer.

Limitation.