

Anno Duodecimo VICTORIÆ Reginae.

CAP. LXVIII.

An Act in further amendment of the Charter of the City of Saint John.

Passed 14th April 1849.

WHEREAS it is expedient that the Charter heretofore granted to the Mayor, Aldermen and Commonalty of the City of Saint John, by Letters Patent under the Great Seal, bearing date the eighteenth day of May in the year of our Lord one thousand seven hundred and eighty five, should be altered and amended in the manner hereinafter mentioned;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the said Charter of the City of Saint John, and so much of all Acts of the General Assembly relating thereto, or altering and amending the same, and now in force, and so much of all Bye Laws or Ordinances of the City of Saint John as are inconsistent with or contrary to the provisions of this Act, shall be and the same are hereby repealed and annulled, save and except so far however as relates to any appointment, election, bye law, ordinance, rule, regulation, rate, tax, act, deed, matter, action, suit, proceeding or thing heretofore had, done, passed and made, or now pending, in progress, and undetermined, under and by virtue of the same, or either of them, which shall remain in full force, and be respectively observed and fulfilled, proceeded with and determined, unless as is hereinafter otherwise directed, in the same manner and to the same effect and purpose as if the said parts of the said Charter and Acts had not been repealed.

The Saint John City Charter, Acts of Assembly, and Bye Laws or Ordinances of the said City, repealed so far as inconsistent with this Act, except appointments and pending proceedings.

II. And be it enacted, That the Assistant Aldermen of the said City shall hereafter be known and designated Councillors, and shall under the name of Councillors have all the powers, privileges, authorities and immunities given and granted by the said Charter to the Assistant Aldermen of the said City.

Assistant Aldermen to be designated Councillors, and have the powers of Assistant Aldermen under the Charter.

III. And be it enacted, That on the first Tuesday in May which will be in the year of our Lord one thousand eight hundred and fifty, and on the same day in every succeeding year, the Common Council of the said City shall elect out of the Aldermen and Councillors of the said City, by a majority of votes by ballot or otherwise, (the Mayor of the said City, if present, having one vote,) a fit person to be Mayor of the said City, who shall continue in office until the first Tuesday in May in the next subsequent year, or longer as hereinafter provided; 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 dying or ceasing to hold the said office, the said Common Council of the said City shall within ten days after such vacancy elect out of the Common Council of the said City, 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 no person shall be capable of being appointed Mayor of the said City who shall not at any time of his election in every respect be qualified in such manner as would entitle him to be then elected as Alderman of the said City, conformably to the provisions of the Charter and of this or any other Act; and provided also, that after 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 at the time and in the manner such Mayor elect might and should have done if not elected

On first Tuesday in May 1850, and annually thereafter, Common Council to elect a Mayor out of the Aldermen and Councillors.

On vacancy in the office by non-acceptance, &c., another Mayor to be elected within ten days.

Qualification.

Former Mayor to occupy the place in the Common Council of the Mayor elect, unless he desires to retire, in

which case an Alderman or Councillor, as the case may require, to be elected.

electd Mayor, unless the outgoing Mayor shall desire to retire from the City Council, and shall within two days after the Mayor elect shall be approved and sworn into office as hereinafter directed, give notice in writing of his resignation to the City Council, in which case an Alderman or a Councillor as the case may require, shall be elected by the Ward by which such Mayor elect was elected, in the manner provided for the election of Common Councilmen in other cases; provided always, that the person who shall be Mayor of the said City (under the provisions of this Act) on the first election for Mayor, shall not continue to be a Member of the Common Council, but that an election for a Common Councilman in place of the person who shall be first chosen Mayor of the said City shall take place in the manner prescribed for the election of Common Councilmen in other cases; and further provided, that the person who may be Mayor of the said City on the first Tuesday in April in the said year one thousand eight hundred and fifty, or in any subsequent year, may be elected an Alderman or Councillor for any Ward in the said City, and shall, notwithstanding such election, continue to execute the office of Mayor of the said City until the election of Mayor of the said City by the Council on the first Tuesday in May then next; and that the person who may be Mayor of the said City on the first Tuesday in May in any year, may be re-elected Mayor by the said Common Council, in case the said Mayor shall have been elected Alderman or Councillor for any Ward for such year.

Name of Mayor elect to be transmitted for the approval of the Lieut. Governor.

IV. 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 transmitted by the Common Clerk to the Provincial Secretary, for the approval of the Lieutenant Governor or Administrator of the Government for the time being, with the advice and consent of the Executive Council; and in case such approval is given, the Mayor so chosen shall be sworn into office as provided by law; and in case such approval is not given, a new election shall take place in the manner hereinbefore provided for the election of a Mayor, until such approval is obtained; and no election of Mayor shall be complete, nor shall any person act, or have authority to act, until such approval shall first have been given and procured conformably hereto: Provided always, and be it enacted, that after such election as aforesaid, and until the approval shall be given, and the new Mayor sworn into office as hereinbefore provided, and no longer, the Mayor for the time being and at the time of such election, shall continue to be and have full power and authority to act as Mayor of the said City; and that the person who shall be Mayor of the said City of Saint John, under the provisions of the Charter of the said City, on the day previous to the first Tuesday in April which will be in the year of our Lord one thousand eight hundred and fifty, shall continue to be Mayor of the said City, and shall have full power and authority to act as Mayor of the said City, until such election for Mayor so as aforesaid to be held on the first Tuesday in May which will be in the year of our Lord one thousand eight hundred and fifty, and until the approval and swearing in of such Mayor in manner hereinbefore provided; and that no person shall be appointed Mayor of the said City under the provisions of the said Charter on the first Tuesday in April which will be in the year of our Lord one thousand eight hundred and fifty.

On disapproval a new election to be made.

Mayor to act till an appointment be completed.

No Mayor to be appointed under the Charter on first Tuesday in April 1850.

On failure to elect a Mayor, he may be appointed by the Governor in Council.

V. And be it further enacted, That in case the Common Council of the said City shall neglect or refuse on the first Tuesday in May in any year, or on the occasion of any vacancy in the office of Mayor, within ten days after such vacancy, to elect a Mayor of the said City, and transmit the name of the Mayor elect for approval, as provided by this Act, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice

and

and consent of the Executive Council, to nominate and appoint a Mayor of the said City, who shall be sworn and shall hold and execute the said office in the same manner to all intents and purposes as if he had been duly elected by the Common Council of the said City under the provisions of this Act.

VI. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to establish a Police Office in and for that part of the City of Saint John lying on the eastern side of the Harbour, and from time to time to appoint thereto a fit person to be, during Her Majesty's pleasure, Police Magistrate for the said portion of the said City, and *ex officio* a Justice of the Peace for the City and County of Saint John, and who shall also be invested with all such other duties and powers as shall be hereafter specified.

Governor in Council to establish a Police Office for the part of the City on the eastern side of the Harbour.

VII. And be it enacted, That every person so appointed as Police Magistrate by virtue of this Act shall, before he shall begin to execute the duties of his office, take and subscribe the following oath before one of the Judges of the Supreme Court in this Province:—

Police Magistrate to be sworn before a Judge of the Supreme Court.

‘I, A. B., do swear that I will faithfully, impartially and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a Police Magistrate and Justice of the Peace, under and by virtue of an Act made and passed in the twelfth year of the Reign of Queen Victoria, intituled *‘An Act in further amendment of the Charter of the City of Saint John;’*

and also the oath of a Justice of the Peace in and for the City and County of Saint John, before said Judge.

VIII. And be it enacted, That an annual salary of a sum not exceeding three hundred pounds shall be paid to such Police Magistrate in manner and out of the funds hereinafter provided.

Salary not to exceed £300.

IX. And be it enacted, That a Clerk to the said Police Office shall be appointed by the Police Magistrate of the said City, whose Salary shall not exceed one hundred and fifty pounds.

Police Magistrate to appoint a Clerk. Salary.

X. And be it enacted, That a sufficient number of fit and able men, not exceeding thirty, shall be appointed by the said Police Magistrate, as a Police force for the said eastern part of the said City, who shall be severally sworn in by such Police Magistrate to act as day and night Policemen, Watchmen and Constables, for the preserving the peace, and the preventing of all felonies, and apprehending offenders against the peace; and the men so sworn shall not only within the whole of the City of Saint John, but also generally within the City and County of Saint John, have all such powers, authorities, privileges, advantages and exemptions, and be liable to all such duties and responsibilities, as any Constable duly appointed now has or hereafter may have, or is or may be liable to within his Constablewick, by virtue of the common law, or any Statute or Act of Assembly made or to be made, and shall obey all such lawful commands as they or any of them may from time to time receive from the said Police Magistrate or any other Magistrate sitting at the Police Office of the said City, for conducting themselves in the execution of their office; and that all the powers and provisions contained in the twenty second and twenty third sections of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *‘An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes, shall be vested in and apply to all and every*

Police Force not exceeding 30 in number, to be appointed by the Police Magistrate.

To have the authority and responsibility throughout the County, of Constables in their Constablewick.

Powers contained in 11 V. c 13, s 22 and 23, extended to the Police force under this Act.

every

every of the Police force to be appointed under this Act, within the whole of the City of Saint John on both sides of the Harbour.

Certain sections of Act 11 V. c 12, establishing a Police force in Portland, extended to that established under this Act.

XI. And be it enacted, That the fifth, sixth, seventh, eighth ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty first, twenty second, twenty third, twenty fourth, twenty fifth, twenty sixth, twenty seventh, twenty eighth, twenty ninth, thirtieth, thirty first, thirty fourth, thirty fifth, (together with Schedules A and B therein referred to, *mutatis mutandis*;) thirty sixth, thirty seventh, thirty eighth, thirty ninth, fortieth, forty first and forty seventh sections of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to, and be in force in all that part of the City of Saint John lying on the eastern side of the Harbour, to all intents and purposes; and all and every the offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things contained in the said several sections respectively, shall be created, incurred and be observed, practised and put in execution in that part of the City of Saint John lying on the eastern side of the Harbour, as fully and effectually to all intents and purposes as if the said offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things were severally, particularly and respectively repeated and re-enacted, and were declared in the body of this Act, and shall severally be applied, construed, deemed and taken to belong to this Act in like manner as if the same had been enacted herein; provided always, that the recognizance mentioned in the thirty first section, and the bond mentioned in the thirty seventh section of the said Act, shall be taken in the name of the Justices of the Peace for the City and County of Saint John, in lieu of the Commissioners therein mentioned; and in case of forfeiture of such bond, the said Justices of the Peace of the City and County of Saint John shall, by that name, have power to sue for and recover the amount of the same, to be by them paid to the Chamberlain of the City for the purposes of this Act; and that in addition to the power given to the said Police Magistrate by the said forty seventh section, it shall and may be lawful for the said Police Magistrate to collect and enforce payment of any rates or taxes whatever, recoverable in the said City by virtue of any Act or Acts of Assembly now in force or hereafter to be in force in the said City, and to pay all fees received by him in collecting the same into the hands of the Chamberlain for the purposes of this Act; and further provided, that the hours of attendance at the said Police Office in the said City shall be from ten A. M. to five P. M. in lieu of the hours mentioned in the said twenty first section, and that no Holidays shall be observed at the said Office except Sunday, Christmas Day, and Good Friday.

Exceptions.

Police Magistrate empowered to enforce payment of taxes in addition to powers conferred by the 47th s. of 11 V. c 12.

11 V. c 13, s 1, in part repealed.

Police Office to be provided by the City Corporation.

XII. And be it enacted, That the first section of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes*, as far as the same relates to the ordering and appointment of Watchmen and Policemen, and to regulate the same, be and the same is hereby repealed; that a good and sufficient Police Office, with suitable apartments, shall be provided in the City of Saint John by the Corporation of the said City, and that the rent and other contingent expenses attending the same shall be borne and paid out of the assessment for the Watch and Police under the provisions of the said last recited Act.

XIII.

XIII. And be it enacted, That in case the Mayor, Aldermen and Commonalty of the City of Saint John should in any year hereafter neglect or refuse to proceed under the third section of the last recited Act, to determine and direct what sums of money shall be raised for the purposes of the said Act, and to issue the Warrant therein mentioned within the time therein mentioned, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to appoint three Commissioners, and it shall be the duty of the said Commissioners to determine and direct what sums of money shall be necessary to be raised for the purposes of the Police establishment under this Act, and to issue their Warrant under their hands and seals, directed to the Assessors in the said section named, to make the rate and assessment therein mentioned, and to transmit such Warrant to the Assessors, and that all proceedings to be had in levying and raising the sum of money determined upon, and the duty of the Assessors and all other persons shall be to all intents and purposes and in every respect the same as if the Mayor, Aldermen and Commonalty of the said City had issued such Warrant under their Common Seal as required by the said third section of the said Act.

Governor in Council to appoint Commissioners to make an assessment for the Police force when that duty is neglected by the City Corporation under 11 V. c. 13, s. 3.

XIV. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to nominate and appoint from time to time two or more of the Justices of the Peace for the City and County of Saint John, either one of whom may, during the temporary absence or illness of the said Police Magistrate, sit as Police Magistrate at the said Police Office, and execute the duties of the said Police Magistrate, and for every day such Justice of the Peace shall so execute the duties of Police Magistrate, he shall receive the sum of one pound, to be paid to him by the Chamberlain of the City of Saint John out of the Police Fund, on certificate from the Police Magistrate of the time during which he may have so performed the duties of Police Magistrate.

Governor to appoint certain Justices of the Peace, one of whom shall act for the Police Magistrate in case of his absence.

XV. And be it enacted, That all sums of money received by the said Police Magistrate, or at the said Police Office, or by any other Magistrate sitting at the Police Office, for fees, fines, penalties, forfeitures or costs incurred and paid under the provisions of any Act of the Imperial Parliament, or by virtue of the provisions of this Act, or of any other Act of the General Assembly, or of any bye law or ordinance of the Corporation of the City of Saint John, or for any costs whatever by him receivable on any account whatever, shall be paid over by the said Police Magistrate on the first day of every month, not being Sunday, together with an account under oath to be sworn before any Justice of the Peace, (which oath any such Magistrate is hereby authorized to administer,) of all such monies, to the Chamberlain of the City of Saint John, to be by him kept and held subject to the purposes and provisions of this Act; and that no person, although liable to payment of money for and towards the maintenance and support of the said Police, shall, by reason thereof, or by reason of the application of any penalty, forfeiture, or costs to the use of the Watch and Police Funds, as above mentioned, for the purposes of this Act, be deemed an incompetent witness before any Court, or before the said Police Magistrate, or any Magistrate sitting at such Police Office, in any proceeding whatever, for any offence whatever; and no Justice of the Peace shall be disabled from acting in the execution of this Act by reason of his being liable to the payment of any money for the maintenance of the Police established by this Act.

All moneys received at the Police Office for fees, fines, &c., to be paid over monthly to the Chamberlain of the City.

Police Magistrate, Clerk and Policemen disqualified to vote or solicit at certain elections.

XVI. And be it enacted, That no Police Magistrate, Clerk or Policeman appointed under this Act, or under the provisions of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, shall, during the time that he shall continue in his office respectively, or within six months after he shall have quitted the same, be capable of giving his vote for the election of any Member to serve in the General Assembly for any County or City in this Province, or for the election of any Member of the Council of the said City; nor shall he by word, message, writing, or in any other manner, endeavour to persuade any elector to give, or to dissuade any elector from giving his vote for the choice of any person to be a Member to serve for any such County or City, or to serve in the said Common Council; and every such Magistrate, Clerk or Policeman offending therein shall forfeit the sum of fifty pounds, one moiety thereof to the informer, and the other moiety thereof to the Overseers of the Poor of the Parish or City where such offence shall be committed, to be recovered by any person that shall sue for the same in any of Her Majesty's Courts of Record, within the space of one year after such offence committed; provided nevertheless, that nothing in this Act contained shall extend to subject any such Magistrate, Clerk or Policeman to any penalty for any act done by him at or concerning any of the said elections, in the discharge of his duty.

Penalty.

No Alderman or Justice of the Peace, other than the Police Magistrate or Justice acting for him, to receive any fees or costs in proceedings before him.

XVII. And be it enacted, That it shall not be lawful for any Alderman or Justice of the Peace, other than the said Police Magistrate, or any other Magistrate duly appointed and sitting at the Police Office, to take or receive any fees or costs of any nature or kind for or upon any proceedings, trial, judgment or conviction of any nature or kind whatever, had before him as a Justice of the Peace or Alderman within the City of Saint John; provided that nothing herein contained shall extend to the fees to be taken by the Justices of the Inferior Court of Common Pleas for the City and County of Saint John, or the fees to be taken and received in the City Court of the said City; and any Justice of the Peace or Alderman who shall demand, receive or take any costs or fees contrary to the provisions of this Act, shall be deemed and taken to be guilty of extortion, and may be indicted for the same before any Court of competent jurisdiction.

Exception.

Salaries and wages to be paid monthly by the Chamberlain, on orders of the Common Council.

XVIII. And be it enacted, That the salary and wages of the said Police Magistrate and Clerk, to be determined by the Lieutenant Governor or Administrator of the Government for the time being, and Policemen, and all other expenses attending the said Police, shall be paid monthly by orders of the Common Council of the said City upon the Chamberlain, out of moneys received by him under the provisions of this Act, and of the Act passed in the eleventh year of Her Majesty's Reign, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour, and for lighting the same, as also for other purposes*.

11 V. c. 13.

City Charter in part repealed.

XIX. And be it enacted, That so much of the Charter of the said City as provides and ordains that the Common Clerk of the said City of Saint John shall be Clerk of the Peace and of the Sessions of the Peace, and Clerk of the Inferior Court of Common Pleas, and Keeper of the Memorandums, Rolls, Records, Muniments, and other writings of the said City and County of Saint John, be and the same is hereby repealed and annulled; provided always, that the Common Clerk of the said City of Saint John shall be Keeper of the Memorandums, Rolls, Records, Muniments, and other writings of the said City; and that the Common Council of the said City shall on the first Tuesday in May in each and

Common Clerk to be Keeper of the Records of the City.

every

every year appoint the High Constable of the said City for the year ensuing; and in case of the death, resignation, or removal from the City of such High Constable, another to appoint in his stead, and so as often as such cases shall happen.

Common Council to appoint the High Constable.

XX. And be it enacted, That notwithstanding any thing in the said Charter to the contrary contained, any black person or person of colour may become a free citizen of, and be admitted to the freedom of the said City.

Black or coloured persons may be admitted to the freedom of the City.

XXI. And be it enacted, That the election of one Alderman, one Councillor, and one Constable, for each Ward, shall be held on the first Tuesday in April in every year, at the hour of eight o'clock, A. M., in each Ward in the said City, at the time and place, and before a Commissioner not being a Member of the Common Council, to be appointed for each Ward by the Mayor, Recorder and Sheriff of the said City, or any two of them, at least fourteen days before the first Tuesday in April in every year; and in case of the death, illness, absence or refusal to act, or resignation of any such Commissioner, another or others may be appointed as hereinbefore provided, in the stead of such Commissioner; and in case of any election to supply any vacancy in the offices of Alderman, Councillor or Constable under the provisions of the Charter, such election shall be held on a day to be appointed by the Mayor or Recorder of the said City, and by a Commissioner to be appointed, and in the same manner in every other respect as provided by this Act for the election of Charter Officers.

Election for each Ward, to be held annually on the first Tuesday in April.

Elections for intermediate vacancies to be held at times appointed by the Mayor or Recorder.

XXII. And be it enacted, That of the time and place of holding every election respectively and of the names of the respective persons so to be appointed for holding elections as hereinbefore mentioned to hold such elections in the several Wards, public notice shall be given by and under the hand of the Mayor, or in case of a vacancy in the office of Mayor, by the Recorder, by publishing such notice in one of the newspapers published in the said City, or by handbills posted up in the respective Wards at least six days immediately preceding the day for holding such election; and if at the time appointed for holding such election, the same be not decided by show of hands, but a poll shall be demanded by any three electors, such poll shall be proceeded with forthwith, and shall be kept open till four o'clock, P. M., if either of the candidates require it, and then shall be closed, but that the Commissioner holding such election shall not be bound to keep the poll open until four o'clock in the afternoon in any case where no voter shall come forward to poll within one hour after proclamation made that unless within one hour some other voter shall come forward to poll the poll will be closed, but such officer or person shall in every such case finally close the poll at the expiration of such hour.

Public notice to be given of the time, &c., of holding elections.

If election be not settled by show of hands, poll to be kept open till 4 o'clock, P. M. if required.

XXIII. And be it enacted, That any person being otherwise duly qualified, may be elected Alderman or Councillor for any Ward in the said City, notwithstanding such person may not be a resident in the Ward for which he may be so elected; and that no person shall be qualified to be elected, or to be or sit as an Alderman or Councillor of the said City during such time as he shall hold any office or place of profit, (other than that of Mayor,) in the gift or disposal of the Common Council of the said City, or during such time as he shall have, directly or indirectly, by himself or partners, any share or interest in any contract or employment with, by or on behalf of the Corporation of the said City; provided that such disqualification shall not arise from any person being a shareholder in any corporate company having a contract with the said Corporation; and that no Alderman or Councillor shall receive into his hands any moneys for and on account of any contract, work or employment made, done or performed by or on

Aldermen and Councillors need not be residents of the electing Ward.

Offices of emolument to be a disqualification.

Money to be paid directly to Contractors, &c.

behalf

behalf of or by direction of the said Corporation, but that all moneys due by the said Corporation, on any such account, shall be paid by the Chamberlain of the said City to the person or persons who shall actually have done such work, and shall be entitled to such moneys by, under or for such contract, work or employment.

Registry of voters, and regulations affecting elections, may be established by the Common Council.

XXIV. And be it enacted, That it shall and may be lawful for the Common Council of the said City, by ordinance, to establish a Registry of voters, and to make all such rules and regulations as to them may seem necessary, to prevent persons not duly qualified from voting at elections for Charter Officers of the said City; and shall and may by ordinance make such further regulations for enforcing the laws in force regulating the qualification of candidates for the offices of Aldermen and Councillors, and for conducting the said elections, and paying the expenses of the same, and under such penalties not exceeding five pounds for any one breach thereof as to the said Common Council may from time to time appear to be necessary for such purposes.

Electors may be required to take an oath before being admitted to vote.

XXV. And be it enacted, That every person desirous of voting at any election of Aldermen, Councillors or Constables, shall before he be permitted to vote, if required by the officer or person holding any such election, or by any Candidate, 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, 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:—

‘ I, A. B., do solemnly swear that I am a British subject, that I am qualified by law to vote at this Election in this Ward, and have not voted before at this Election within this Ward.—So HELP ME GOD;’

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

False swearing as to qualification deemed perjury.

XXVI. 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.

General Sessions of the Peace may be adjourned *de die in diem* for want of a quorum.

XXVII. And be it enacted, That the General Sessions of the Peace for the City and County of Saint John may be adjourned *de die in diem* for want of a quorum, by the Mayor or Recorder and one of the Justices of the Peace for the said City and County.

City Court may be held every Thursday:

XXVIII. And be it enacted, That the City Court of Saint John shall and may if thought necessary for the dispatch of the business before the Court, be holden on the Thursday in every week instead of the Thursday in every alternate week, as provided by the Charter; and that in all cases when the defendant has been served with a summons at least three days before the time of appearance in the manner pointed out in the third section of an Act made and passed in the fourth year of the Reign of King William the Fourth, intituled *An Act to regulate proceedings before the Justices of the Peace in Civil Suits*, it shall and may be lawful for the Alderman presiding in the City Court, if the defendant do not appear to make a defence, to proceed to assess the debt or damages in the mode and under the regulations provided in the said section for assessing damages when the defendant does not appear; and that it shall not be necessary to issue an attachment to compel the appearance of the defendant in any case, except it shall be made

and debt, &c. may be assessed in the absence of a defence when defendant has been duly summoned.

to appear that he is about to depart the jurisdiction of the City, as provided by the Charter.

XXIX. And be it enacted, That any person arrested or confined in the body of the gaol of the said City and County of Saint John, either on mesne process, attachment or execution for any debt under five pounds, and who may be in indigent circumstances, unable to pay such debt, or to support himself or herself in gaol, may be brought before the Mayor or Recorder, or one of the Aldermen and Common Clerk, for examination, such debtor giving the plaintiff, his agent or party interested, twenty four hours notice of the time and place of such examination, which Mayor or Recorder, or Alderman and Common Clerk shall (if on examination they are satisfied of his inability to pay, and total indigence,) make an order for the immediate discharge of such debtor from custody, and that the said Mayor, Recorder, Alderman and Common Clerk, shall have power to issue subpoenas to compel the attendance of witnesses, if necessary, at such examination.

Debtors confined for less than £5, may be brought before the Mayor or Recorder for examination, and if found indigent and unable to pay, may be discharged.

XXX. And be it enacted, That notwithstanding any thing to the contrary in the Charter of the City of Saint John contained, a copy of every bye law or ordinance made by the said Corporation shall be transmitted, with all convenient speed after the making thereof, to the Lieutenant Governor or Administrator of the Government for the time being, and it shall be lawful for the Lieutenant Governor or Administrator of the Government, by and with the advice of the Executive Council, within three months from and after the receipt of such copy, to disallow any such bye law or ordinance, and such disallowance shall without delay be signified to the Mayor of the said City, and thenceforward such bye laws shall be void and of no effect; provided also, that all bye laws and ordinances 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 until after the same shall have been so submitted as aforesaid and then approved, or until after the said three months without disapproval; provided always, that no bye law or ordinance of the said Corporation which shall be in force at the time this Act shall come into operation, shall become void by virtue of this enactment until six months after this Act shall come into effect.

A copy of every bye law or ordinance to be sent to the Lieutenant Governor, and may be disallowed within three months after receipt.

Bye laws or ordinances repugnant to the law of the land, or not submitted, &c., to have no force.

XXXI. And be it enacted, That the said Charter, and all and every thing therein contained, shall be and remain firm, valid, good, sufficient and effectual in the law in all respects, save and except so far as the same is hereby altered and amended.

Charter, save as herein altered, to be valid.

XXXII. And be it enacted, That this Act shall not come into operation until Her Majesty's Royal approbation shall be first thereunto had and declared.

Act suspended till Her Majesty's approbation be declared.

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 29th day of June, 1849, and published and declared in the Province the 1st day of August, 1849.*]

CAP. LXIX.

An Act to incorporate the Saint John Suspension Bridge Company.

Passed 14th April 1849.

WHEREAS it is proposed to construct a Suspension Bridge of Iron Wire across the Falls of the River Saint John, at Split Rock, near the City of Saint John: And Whereas a Bridge is greatly needed at that Point, and would be highly useful to the public in general, and it is thought advisable to incorporate such persons as may be willing, at their own costs and charges, to construct the

Preamble.