

and other fire apparatus, and for such purposes to extend chains or ropes along, through or across such streets, alleys or highways; and any person obstructing or opposing, or assaulting a Fire Policeman in the discharge of his duty, or using violent, abusive or insulting language to a Fire Policeman, shall forfeit and pay a sum not exceeding ten pounds, to be recovered before the Police Magistrate of the City, in the same manner and to the same effect as any other pecuniary penalty may be recovered before such Magistrate.

Penalty for obstructing Fire Policemen in the discharge of their duty.

2. If any person shall at any time or place whatsoever, wantonly or maliciously spoil, break, injure, damage, or render useless any engine, or any of the hose, materials or apparatus belonging to the engines, or used for the purposes of the Fire Department, he shall be guilty of felony.

Maliciously damaging fire engines, hose, &c., made felony.

CAP. IX.

An Act to restrain the going at large of Dogs within the City of Saint John.

Passed 14th April 1853.

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

1. The Common Council of the City of Saint John, by any bye laws may impose a tax on Dogs, to be levied yearly upon persons owning or keeping Dogs within the City, not exceeding five shillings for each Dog, and to be levied, paid and applied and appropriated as may be directed by such bye laws, and to restrain, licence, regulate, or entirely prevent Dogs going at large within the City, under such restrictions, regulations and conditions as the Common Council may direct, and to order the destruction of Dogs going at large contrary to the provisions of such bye laws, and to impose reasonable penalties and forfeitures for any breach thereof; provided that no such penalty shall exceed forty shillings for each offence, and that no person shall be obliged to pay more than five shillings annually for any one licence granted under the provisions of this Act.

Common Council authorised to levy a tax on dogs, and regulate or prevent the going at large of dogs.

Penalty not to exceed 40s. for each offence

2. An Act passed in the forty first year of the Reign of His Majesty George the Third, intituled *An Act for the further and better support of the Poor in the City of Saint John*, is hereby repealed.

Act 41 G. 3, c. 8, repealed.

CAP. X.

An Act relating to the Public Debt of the City of Saint John.

Passed 14th April 1853.

‘WHEREAS a Suit is now pending in the Court of Chancery in this Province, in which Her Majesty's Attorney General, by and at the relation of John C. Littlehale, Esquire, and others, of Carleton, in the City of Saint John, John M'Lauchlan, of the same place, Shipbuilder, James Stackhouse, Senior, of the same place, House Joiner, Josiah Wetmore, Junior, of the same place, Esquire, and William C. Dunham, of the same place, Farmer, for and on behalf of themselves and all other the inhabitants of that part of the City of Saint John called Carleton, are the Complainants; and the Mayor, Aldermen and Commonalty of the City of Saint John, Hugh Johnston, John Robertson, Alfred Smithers, Thomas Merritt, William Wright, George Swinney, and Frederick A. Wiggins, are Defendants: And whereas the objects for which the said suit was instituted have been arranged by and between the parties thereto, and by and between the Honorable Robert L. Hazen, the Solicitor of the said Complainants, and the Honorable William B. Kinnear, the Solicitor for all the said Defendants, excepting the Defendant John Robertson, and by Duncan Robertson, Esquire, the Solicitor of the said Defendant John Robertson, that the said suit shall be discontinued; and in order to give effect to the terms, Be

Preamble.

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

£20,000 to be chargeable on the common lands on the western side of the Harbour ; Residue of the Public Debt to be chargeable on all the other Corporate property.

1. The sum of twenty thousand pounds, and no more, shall be and is hereby made a charge upon and payable out of the common lands on the west side of the Harbour of Saint John, as granted by the Charter of the City of Saint John, bearing date the eighteenth day of May in the year of our Lord one thousand seven hundred and eighty five ; and the residue of the Public Debt of the said City of Saint John shall be and is hereby made a charge upon and payable out of the common lands on the east side of the Harbour of the said City, as granted by the said Charter, and all other the real and personal estate of the said Mayor, Aldermen and Commonalty of the City of Saint John, and all other the general revenue and income of the said Corporation, arising from any source whatever, except special grants of the Legislature and funds specially raised and appropriated by law.

Accounts of rents of lands on the western side of the Harbour, and application of the proceeds.

2. The Chamberlain of the City shall keep a separate account of the rents, issues and profits of the common lands of the west side of the Harbour, which shall be rendered by him to the Common Council annually on the thirty first day of December, without any charge for the same ; the said rents, issues and profits of the said common lands on the west side of the Harbour, after deducting the legal charges incident to the collection of the said rents, issues and profits, and management of the said lands, shall be applied by the Common Council of the City to the payment of the interest half yearly of the said sum of twenty thousand pounds, or so much thereof as may remain due, at such rate, not exceeding six per cent. per annum, as shall be paid on the remainder of the said Public Debt ; and the residue of such rents, issues and profits shall be applied by the Common Council of the City to the sole improvement, benefit and advantage of that part of the City lying on the west side of the said Harbour, and of the inhabitants thereof, for ever ; provided always, that no appropriation of the residue of such rents, issues and profits of the said common lands on the west side of the Harbour, or of any part thereof, and no order or act of the Common Council for laying out, leasing, or otherwise disposing of any of the said common lands on the west side of the Harbour not yet laid out, shall be binding or valid, unless made with the assent of not less than three Members of the Common Council, and representing Wards on the west side of the Harbour.

Low water mark to be established as the boundary of the common lands on the western side of the Harbour.

3. The common lands on the west side of the Harbour shall extend to the present line of low water mark, and the Common Council of the said City are hereby required, within six months after the passing of this Act, to establish and define by actual survey such line, as the line of low water mark, by such metes, bounds and marks as shall be most effectual for that purpose, and a just description of such line, and a plan thereof, shall be filed in the office of the Common Clerk of the said City, and that such line so established shall forever after be the boundary of the common lands on the west side of the Harbour.

Application of the City revenues, and of the profits of the lands on the eastern side of the Harbour.

4. The general revenues of the said City, and all other sources of income of the said Mayor, Aldermen and Commonalty of the City of Saint John, and all rents, issues and profits arising from the sale or other disposal of the said common lands on the east side of the Harbour, or from their other real and personal estate, shall be applied as follows, viz:—To the payment of the salaries of the Public Officers of the said City as now established, and all requisite contingencies and expenses of management, and also all expenditures necessary to the maintaining and keeping in repair the public property of the City, and all other usual and proper exigencies of the public service, and after payment thereof, to the pay-
ment

ment half yearly of the interest on the said residue of the said debt not charged on the west side of the said Harbour; and the balance, after such payments, shall be applied in liquidation of that portion of the debt charged on the east side.

5. The Corporation shall have the right to retain and use, without any charge, such portion of the common lands on the west side, as may be necessary for ferry landings, coal sheds, and other public conveniences for the full accommodation and use of the ferries, and the public resorting thereto.

Reservation of ferry landings, coal sheds, &c.

6. As soon as the Public Debt now due by the Corporation shall be paid off and satisfied, all their revenues affected by this Act shall be applied as directed by the Charter of the said City.

Application of revenues after payment of the public debt.

7. The sum of two hundred and fifty pounds shall be paid out of the general revenues of the City towards the costs, fees and expenses incurred by the Complainants in prosecuting said suit in Chancery, the balance to be paid out of the rents of the common lands on the west side; the costs, fees and expenses incurred by the Defendants in defending the said suit, shall be paid out of the rents of the common lands on the east side of the Harbour and the general revenues.

Apportionment of costs of suit.

8. In any action or suit brought or to be brought by the Mayor, Aldermen and Commonalty of the City of Saint John, for any lands, tenements or hereditaments to them granted by the Crown, or the rents, issues and profits thereof, or upon any covenant, condition, matter or thing contained in any lease, grant, deed, or assurance by them made of any such lands, tenements or hereditaments, no Defendant or Defendants other than the Trustees or Mortgagees, or their heirs or assigns, shall be permitted to set up or give in evidence a certain Trust Deed or Mortgage, bearing date the twentieth day of September in the year of our Lord one thousand eight hundred and forty two, and made between the said Mayor, Aldermen and Commonalty of the City of Saint John, of the one part, and Hugh Johnston, John Robertson, Alfred Smithers, Thomas Merritt, and William Wright, of the other part, and registered in the Registry Office of the City and County of Saint John on the twenty first day of September in the year of our Lord one thousand eight hundred and forty two, or any other deed or conveyance made and executed of the said lands or tenements, or any of them, by any party whatsoever to the said Trustees, or either of them, to bar the right of recovery or to defeat the title of the said Mayor, Aldermen and Commonalty of the City of Saint John, their successors or assigns, in any such action or suit, any law or custom to the contrary notwithstanding.

Trust Deed or Mortgage dated 20th September, 1842, to be set up in bar of any action by no defendant other than the Trustees or Mortgagees.

9. Nothing in the Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, shall be held or taken to authorise any assessment upon the inhabitants of Carleton, on the west side of the Harbour, unless for the purpose of making good any deficiency which may arise in the payment of the interest made chargeable on the west side by the provisions of this Act.

Inhabitants of Carleton exempted from assessment under 9 V. c. 29, unless for deficiency of interest.

CAP. XI.

An Act for the division of King's Ward, in the City of Saint John, into two separate Wards.
Passed 14th April 1853.

WHEREAS from the great extent of the present Ward in the City of Saint John, called King's Ward, and from the increase in the number of the residents therein, it is necessary and expedient that the same should be divided into two separate Wards;

Preamble.

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

1.