

Polling places established for elections of Representatives in General Assembly and County and Parish Officers in Glenelg and Hardwicke.

2. The Polling places in the Parishes of Glenelg and Hardwicke, in the County of Northumberland respectively, for the election of Representatives to serve in General Assembly for the County of Northumberland, and for the election of all officers to be elected under and by virtue of the several Acts, intituled *An Act relating to the Election of Representatives to serve in General Assembly*, and *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*,—

In the Parish of Glenelg, shall be held at or near the residence of John M'Kay, at the Richibucto Road; and

In the Parish of Hardwicke, at or near the residence of Robert Noble, in the County of Northumberland.

#### CAP. XXXVI.

An Act to amend an Act regulating the shipping of Seamen at the Port of Saint John, and extend the provisions thereof to other Ports and places being Sea Ports in this Province.

*Passed 3rd May 1853.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

12 V. c. 50, s. 7, repealed.

No person but the Shipping Master at Saint John, or his Deputy, to provide Seamen for Vessels there, or obtain the Registry Tickets.

Act 12 V. c. 50, extended to all Vessels at Saint John, except Coasters.

Act 12 V. c. 50, and this Act, may be extended to other Ports, on application of the Justices in Sessions.

1. The seventh section of an Act passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act regulating the shipping of Seamen at the Port of Saint John*, shall be and the same is hereby repealed; and from and after the passing of this Act, no person but the Shipping Master at the Port of Saint John, or his legal Deputy, shall supply or provide a Seaman to be entered on board a Merchant Ship at the Port of Saint John; and no other persons whatsoever shall demand or obtain the Register Ticket of any Seaman for the purpose, or under the pretence of engaging him on board of any Merchant Ship.

2. All the provisions of the said Act as thus amended shall be and the same are hereby extended to all Merchant Ships whatsoever, arriving at or departing from the Port of Saint John, except such Vessels as are prosecuting the Coasting Trade.

3. 'Whereas it is desirable to extend the provisions of this Act, and the said Act passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act regulating the shipping of Seamen at the Port of Saint John*, to such other Ports or places in this Province as may be desirous of taking advantage of the same; All the provisions of the said recited Act for regulating the shipping of Seamen at the Port of Saint John, together with this Act, are hereby extended to all other Ports and places being Sea Ports within this Province, and Shipping Masters may be appointed and established thereunder in like manner as at the Port of Saint John, upon the application of the Justices of the Peace, at any Court of General or Special Sessions of the County in which such Port or place may be situate, called for the purpose, to the Lieutenant Governor in Council.

#### CAP. XXXVII.

An Act to amend the Charter of the City of Saint John, and certain Acts of Assembly relating to the local government of the said City.

*Passed 3rd May 1853.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

Charter, in part;

1. So much of the Charter of the City of Saint John as is inconsistent with, or contrary to the provisions of this Act, and also a Bye Law of the Corporation of the said City, passed on the twenty fifth day of February one thousand eight hundred

hundred and fifty, intituled *A Law to regulate the Elections of Aldermen, Councillors and Constables in the City of Saint John*; and also the following parts of Acts of Assembly, that is to say:—The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth sections of an Act passed in the third year of the Reign of King William the Fourth, intituled *An Act for more effectually repairing the Streets and Bridges of the City of Saint John*; the first, second, sixth and ninth sections of an Act passed in the sixth year of the Reign of Queen Victoria, intituled *An Act for the amendment of the Charter of the City of Saint John*; the second, third, fourth, fifth, twenty first, twenty second, twenty third, twenty fifth and thirtieth sections of an Act passed in the twelfth year of the same Reign, intituled *An Act in further amendment of the Charter of the City of Saint John*; the ninth, tenth and twenty first sections of an Act passed in the thirteenth year of the same Reign, being a Local Act, intituled *An Act relating to the Police Force established in the City of Saint John, and to provide for the relief of Debtors confined in the Gaol of the said City for small sums, and making provision for the levying and collecting of assessments in the said City, and other purposes*, are hereby repealed; 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 or 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.

Bye Law dated  
25th February 1850;  
also

Acts  
3 W. 4, c. 13,  
in part;

6 V. c. 35,  
in part;

12 V. c. 68,  
in part; and

13 V. c. 1,  
(Local Act) in part,  
repealed.

Reservations.

2. There shall be elected annually by the freemen and freeholders of the said City, on the first Tuesday in April after the present year, for each respective Ward, one Alderman, one Councillor, and one Constable, as heretofore; and the said Alderman, Councillor and Constable shall have all the powers, and be subject to all the duties of their respective offices, as provided by the Charter, or any Act of Assembly, or any Bye Law of the Corporation; and on the first Tuesday in May annually in every future year, the said freemen and freeholders shall elect the Mayor of the said City.

Annual election of  
a Mayor for the  
City and an Alder-  
man, a Councillor  
and a Constable for  
each Ward.

3. No person shall be qualified to vote at any such election for Mayor, Alderman, Councillor or Constable, unless he be at the time of the election a British subject, and also a freeman and inhabitant, or a freeholder, of the City; and no person shall be qualified to vote as a freeman unless he shall have been a registered freeman at least three calendar months before the day of the election, and shall have actually resided in the City for one calendar month next preceding such election; and no person shall be qualified to vote as a freeholder unless he shall have been assessed on real estate at the last general assessment of City rates preceding such election; and that the Common Clerk of the said City do, at least six days before the day of election, prepare alphabetical lists of the freemen of the said City, to be taken from the records of City freemen, and of all persons assessed on real estate, to be taken from the last general assessment list filed in the Common Clerk's office, and furnish copies of the same to the Commissioners appointed to hold the election, at least twenty four hours before the time appointed for holding the same, which list shall be open for public inspection at the Common Clerk's Office for six days previous, during which time any person having been assessed as aforesaid, and whose name may have been omitted, shall upon satisfactory proof of the same rendered in writing to the Common Clerk, have his name inserted thereon; which said lists, so furnished, shall

Qualification of  
voters.

Freeman.

Freeholders.

Lists of freemen  
and freeholders to  
be made up annu-  
ally, and be open  
for inspection and  
correction.

Freeholders by descent or devise.

shall be for all the purposes of accepting or refusing the ballot of any person wishing to cast the same, a register of voters; provided always, that any person entitled to real estate by descent or devise, whose title may have accrued not less than three calendar months before the day of election, may have his name entered upon such list although he may not have been rated, on producing proof to the satisfaction of the Common Clerk, of his being entitled to be entered on the list under this proviso; and no person whosoever, whether freeman or freeholder, shall be entitled to vote unless he shall have paid previous to the day of election all rates, taxes and assessments imposed on him during the year next preceding the election.

Qualification of Mayor and Aldermen.

4. No person shall be qualified to be elected Mayor or Alderman, unless in addition to the qualifications necessary to a voter, he shall at the time of his election be possessed, as owner thereof, of real or personal property, or both together, within the said City, over and above all incumbrances whatsoever, to the extent of at least two hundred and fifty pounds.

Office of profit in the gift of the Common Council payable out of the City funds, or interest in a contract with the Corporation, to disqualify for office of Mayor, Alderman or Councillor.

5. No person shall be qualified to be elected, or to be or sit as Mayor, Alderman or Councillor during such time as he shall hold any office or place of profit in the gift or disposal of the Common Council, the emoluments of which are paid out of the funds of the City, or during such time as he shall have directly or indirectly, by himself or partner, any share or interest in any contract or employment with, by or on behalf of the Corporation; provided that such disqualification shall not arise from any person being a shareholder in any Corporate Company having a contract with the Corporation, or any share or interest in any lease, sale or purchase of Corporation lands, tenements or hereditaments, or any agreement for any such lease, or for the loan of money; and that no Mayor, Alderman or Councillor shall receive into his hands any moneys for or on account of any contract, work or employment made, done or performed, by or on behalf of, or by direction of the said Corporation, but that all moneys due by the Corporation on any such account, shall be paid by the Chamberlain of the 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.

No Mayor, Alderman or Councillor to receive money due on any contract.

Regulation of elections. Votes where to be given.

6. In respect of any election for Mayor, Alderman, Councillor or Constable, the following regulations shall be observed, viz:—Each elector, if voting as a freeman, shall give his vote in the Ward wherein he resides; and if voting as a freeholder, shall give his vote in any Ward where such freehold is situate.

Elections to be conducted before a Commissioner.

7. The Election shall be conducted in each Ward before a Commissioner, not being a member of the Common Council, to be appointed for each Ward by the Sheriff, Recorder and Common Clerk, or any two of them, at least six days before the day of election; and in case of the death, illness, absence, or refusal to act, or resignation of any such Commissioner, another or others may be appointed in like manner at any time previous to the election which such Commissioner may be appointed to hold in the stead of such Commissioner; and in case of any election to supply any vacancy, such election shall be held on a day to be appointed by the Recorder or by the Common Clerk, and by a Commissioner to be appointed as hereinbefore provided.

Public notice of the names of the Commissioners and of the time and place of holding the elections.

8. Of the time and place of holding every election respectively, and of the names of the respective Commissioners so to be appointed for holding elections, public notice shall be given by and under the hand of the Recorder or Common Clerk, by publishing such notice in one of the Newspapers published in the City, or by handbills posted up in the respective Wards, at least six days immediately preceding the day for holding such election.

9. Each Commissioner, before entering upon his duties, shall be sworn before a Justice of the Peace to the faithful discharge thereof. Commissioners to be sworn.
10. The Commissioner at each Poll shall appoint a Poll Clerk, who shall be sworn before such Commissioner to the faithful discharge of his duties. To appoint a poll clerk.
11. Every candidate for the office of Mayor, Alderman, Councillor or Constable, shall be nominated by two qualified electors, who shall subscribe a declaration of such nomination, and file the same in the Common Clerk's Office at least twenty four hours before the commencement of the election, and no vote shall be counted except those given for one or some of the persons so nominated; and the names of all the candidates nominated for each office shall be posted up at the respective Polling places in each Ward. Nomination of Candidates.
12. The Commissioner in each Ward respectively, shall receive, sort, count and declare all the votes in the Ward. Commissioner to declare the votes in respective Wards.
13. The Poll Clerk shall enter on a Poll List the name of each elector voting, and any other fact the Commissioner may require him to note down. Entries on Poll Lists.
14. The votes shall be given at the elections by ballot. Vote to be by ballot.
15. The ballot shall be a paper ticket, which shall contain in writing or printing, or partly written and partly printed, the name or names of the person or persons for whom the elector intends to vote, and the office he is intended to fill. Description of the ballot ticket.
16. Each voter shall deliver his ballot, folded up, to the Commissioner, together with a tax receipt, signed by the Collector of Taxes in the City, who is hereby required to furnish the same on demand, under the penalty of five pounds for each refusal, stating that the person therein named has paid all rates, taxes and assessments imposed on him during the year then next preceding, and no ballot shall be received by the Commissioner without such receipt. Delivery of the ballot by the voter.
17. The Commissioner shall ascertain that the ballot is single without reading it, and then shall deposit it without delay in a ballot box, and should he discover the same not to be single, the ballot shall be immediately rejected, and the party who tendered the same be deprived of his right of voting at that election. Duty of Commissioner on receipt of each ballot.
18. No ballot shall contain more names than there are persons to be chosen in office; if in sorting the votes it shall be found that a ballot is double, or that two or more ballots are enclosed in the same cover, or if the name of the same person be more than once entered for the same office on the same ballot, or if any ballot contain more names than legal, all such ballots shall be rejected. What ballots shall be rejected.
19. The box shall be opened and the ballots counted by the Commissioner in the presence of the Candidates, if they choose to attend. Opening of the box and counting of the ballots.
20. The poll for the Mayor or Aldermen, Councillors or Constables, shall be opened in each Ward at eight o'clock in the forenoon, and shall continue open till four o'clock in the afternoon of the same day; and the name of each elector voting shall be written in poll books to be kept at such election by the Poll Clerks; and immediately after the final close of the poll, all the votes given in the Ward shall be sorted, counted, and publicly declared by the Commissioner, and in making such declaration and record the whole number of votes or ballots given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person respectively, and for what office; and the Commissioner shall close and seal the poll book, and the receipts delivered in by the electors, and deposit the same so enclosed and sealed with the Common Clerk, before ten o'clock in the morning of the next day, to be by him laid before the Common Council at their first meeting thereafter; and the said poll book shall then be opened, and the Common Council shall examine all the returns from the respective Wards, and shall declare the persons having the majority of votes to be duly elected. Duration of the poll.  
Entries in poll book and final close.  
Poll books and receipts to be delivered to the Common Clerk.

A new election to be held when the votes are equal.

21. In case there shall be an equal number of votes polled for two or more persons, a new election shall be held in respect of such persons to determine the same.

Penalty for illegal voting.

22. Any person knowingly or wilfully voting when not entitled to vote; any person fraudulently putting in more than one ballot when voting, or voting in an assumed name; and any person who shall vote oftener than he is entitled to, shall pay a fine of two pounds.

Electors may be sworn.

23. Every person desirous of voting at any election, shall, before his vote be entered on the Poll List, if required by the Commissioner, or by any qualified elector, take the following oath, which oath the Commissioner is directed to administer:—"I do swear that I am a British subject, that I am qualified by law to vote at this election in this Ward, and have not before voted at this election within this Ward.—So help me God." And whenever a vote shall be so sworn, the Poll Clerk shall mark "sworn" opposite his name in the Poll List.

Penalty for false swearing.

24. If any person shall knowingly swear falsely, he shall be guilty of perjury, and subject to the penalties thereof.

Commissioner to have the power of a Justice of Peace. Aldermen, Councillors and Constables to be sworn on the third Tuesday in April.

25. The Commissioner shall have, for the purposes of the election, and during the time of holding the same, all the power and authority of a Justice of the Peace.

Time for swearing in the Mayor; and his continuance in office.

26. The respective Aldermen, Councillors or Constables, duly elected, shall be sworn into office on the third Tuesday in April in every year, as provided by the Charter.

27. The Mayor shall be sworn into office before the Recorder or Common Clerk, as soon as conveniently may be after his election shall be declared by the Common Council, and shall continue in office until he resign or die, or become disqualified as before mentioned, or another shall be duly elected and sworn in his stead.

Penalty for refusing the office of Mayor or Alderman.

28. Every person duly qualified, who shall be elected to the Office of Mayor or Alderman, shall accept the office or forfeit to the Corporation the sum of twenty five pounds.

Extraordinary vacancies.

29. If an extraordinary vacancy occur in the office of Mayor, Alderman or Councillor, an election for such vacancy shall be ordered and conducted in all respects in the same manner as ordinary elections under this Act.

Declaration of special vacancies to be made.

30. All special vacancies of office from death, disqualification, resignation or other cause, shall be declared by the Resolution of Common Council, before proceeding to fill up the vacancy.

Common Council annually in April to determine the amount to be raised by assessment for the roads.

31. The Common Council of the said City are hereby authorised and required once in every year in the month of April, including the present year, to determine and direct what sum of money, not exceeding two thousand pounds in any one year, shall be raised and levied in the said City for the purpose of repairing, altering and maintaining the streets, squares, bridges and highways in the said City, and shall make a rate and assessment upon the said City of such sum in the present year, and in each and every succeeding year, besides the charges and expenses of assessing and collecting, and shall direct their Warrant for such purpose to the Assessors of Taxes in the said City, and the same shall be assessed by a rate of two shillings and six pence upon the poll of all male inhabitants of the said City of the age of eighteen years and upwards, not being paupers, and the residue by a rate in just and equal proportion upon the real and personal estate and incomes of such inhabitants, and shall be levied, collected and paid in the same manner as any County rates for public charges can or may be levied, collected and paid under and by virtue of any laws which at the time of making such assessments may be in force for assessing, levying and collecting of rates for public

How to be rated, collected and paid.

public charges; and when collected, shall be paid into the hands of the Chamberlain of the City, for the purposes of repairing, altering and maintaining the streets, squares, bridges and highways in the City of Saint John, and for no other use or purpose whatsoever.

32. The Common Council may appoint from time to time, and remove at pleasure, one or more Commissioners of Streets for the said City or any district thereof, and by any bye laws, orders, regulations or resolutions of the Common Council, may direct and appoint the times, places, districts, and mode of exercising the duties required of such Commissioner or Commissioners.

Common Council may appoint Commissioners of Streets, and specify their duties.

33. The Chamberlain shall keep separate and distinct Accounts for each side of the Harbour, of all moneys received by him in respect of such assessments, and shall apply and appropriate the same from time to time upon the orders of the Common Council, and as they shall direct, for the purposes of this Act; and the amount raised on either side of the Harbour shall be expended for the separate and exclusive benefit of that side; and the Chamberlain shall in each and every year make out full, complete and detailed Accounts under oath to be taken before a Justice of the Peace, made up to the thirty first day of December, with vouchers, of all moneys received and paid by him on these Accounts, and shall without delay thereafter file such Accounts and vouchers in the Common Clerk's Office.

Chamberlain to keep separate Accounts of the moneys raised for each side of the harbour.

34. Every such Commissioner of Streets when thereunto required by the Common Council, shall make out and deliver to the Assessors a list or lists of all persons in his district liable to be assessed for Streets under this Act, which list or lists shall be filed in the Common Clerk's Office by the Assessors, together with their assessment list, so soon as the same shall be made.

Commissioners to deliver to the Assessors, list of persons assessable for the streets.

35. Any person when called upon by any Commissioner of Streets, or by any other person appointed by the Common Council to assist such Commissioner in this behalf, shall within twenty four hours give and render to such Commissioner or other person as aforesaid, a particular account and statement in writing, containing the names of all persons who may be in his or her employ, or who may be resident in the house kept or occupied by him or her, and who may be liable to be assessed for Streets; such statement to contain not only the names of persons belonging to his or her family, but also the names of any boarders, lodgers, or domestic servants, who may be liable as aforesaid; and if any person shall neglect or refuse to render such account or statement, he shall forfeit and pay the sum of five pounds, to be sued for and recovered in the name of the Chamberlain, in the like manner and with the like effect as any penalty imposed by any law of the City may be sued for and recovered.

Names of boarders, lodgers, servants, workmen, &c., to be furnished within twenty four hours of the demand.

Penalty.

36. The Common Council are authorised to make such bye laws as may be necessary for perfecting the conducting of the Elections by Ballot in accordance with the intention of this Act.

Bye laws for perfecting election by ballot may be made.

37. Nothing in this Act contained shall affect the election of the Mayor of the City of Saint John for the present year, which shall take place as if this Act had not been passed, in all respects as directed by *An Act in further amendment of the Charter of the City of Saint John*, passed in the twelfth year of Her present Majesty's Reign; and provided that the assessment under the thirty first section of this Act may be directed for the present year at any time before the twentieth day of May; and nothing in this Act contained shall be held to apply to the election to be held in Wellington Ward for the present year; and in case any Mayor, Alderman, Councillor, or Constable, shall die, remove from the City, or resign his office, or in case of any vacancy occurring either by the election of any Alderman or Councillor to the office of Mayor, or in any other manner, before the first

Act not to effect election for Mayor, or other vacancies before April next.

Assessment under sec. 31 may be ordered before 20th May.

Tuesday

Tuesday in April next, the election for supplying such vacancy shall be held and conducted in every respect as if this Act had not been passed.

Bye laws to be transmitted to the Lieutenant Governor for disallowance or confirmation.

38. Every Bye Law or Ordinance made by the Corporation shall be forthwith transmitted to the Lieutenant Governor, who by and with the advice of the Executive Council, shall within three months from the receipt thereof disallow or confirm the same, and all bye laws and ordinances shall be in force until such disallowance shall be transmitted to and received by the Common Clerk.

---

CAP. XXXVIII.

An Act to amend an Act for the division of King's Ward, in the City of Saint John, into two separate Wards.

*Passed 3rd May 1853.*

Line dividing King's & Wellington Wards, altered. Cap. 11.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the point described in the first section of an Act passed at the present Session of the Legislature, intituled *An Act for the division of King's Ward, in the City of Saint John, into two separate Wards*, shall be formed by lines drawn through the centre of King and Charlotte Streets in the said City, instead of Union Street, and a continuation of Charlotte Street, as described in the said Act; and the line running from said point shall run northwardly through the centre of Charlotte, Coburg and Garden Streets, to the City line, any thing in the said Act to be contrary notwithstanding.

---

CAP. XXXIX.

An Act to revive and amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte.

*Passed 3rd May 1853.*

Preamble.

**W**HEREAS great injury has been done to the Herring Fishery within the County of Charlotte by the erection of weirs, fishgarths, and other obstructions, and the placing and setting of seines and nets across the several Havens, Rivers, Creeks and Harbours therein;

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

The placing of seines or nets restricted in certain places in the County of Charlotte.

1. No seine or net shall be set across the mouth of any haven, river, creek or harbour within the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and no seine or net shall be set in any such haven, river, creek or harbour, which shall extend more than one third the distance across the same, or be within forty fathoms of each other, or which shall be set within twenty fathoms of the shore at low water mark of the same.

Penalty for offending, &c.

2. Any person offending against the preceding section, upon due conviction thereof, or by confession before one of Her Majesty's Justices of the Peace for the County of Charlotte, shall for the first offence forfeit the sum of five pounds, to be levied by warrant of distress and sale of the offender's goods; and for the second offence shall forfeit the sum of ten pounds, to be recovered with costs in an action of debt in any Court of Record in this Province; and for the third and any subsequent offence, shall forfeit the sum of fifteen pounds, to be recovered with costs in like manner; one half of such penalties, when recovered, to be paid to the Overseers of the Poor of the Parish where the offence was committed, for the use of the Poor, and the other half to the person who shall sue for the same.

Recovery and application.