

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1816. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1816.

56 George III – Chapter 17

An Act more effectually to provide for the support of a Nightly-Watch in the City of Saint John. Passed the 11th of March, 1816.

Whereas the establishment of a Nightly-Watch within the City of Saint John, is of very great importance for the preservation of the persons and properties of the Inhabitants, and very necessary to prevent fires, robberies and other outrages and disorders.

I. Be it enacted by the President, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City in Common Council convened, from time to time to order and appoint, what number of Watchmen they shall judge necessary and proper, to be kept within the District on the eastern side of the Harbor of the said City, and to direct how they ought to be armed, and how they shall watch, and what wages and allowances shall be given to the said Watchmen for their attendance, and shall make all such other orders and regulations as the nature of each particular service shall seem to require.

II. And for the better raising and levying the money for paying the wages of the said Nightly-watchmen and other charges incidental thereto—

Be it further enacted, That the Mayor, Aldermen and Commonalty of the said City of Saint John in Common Council assembled, may and they are hereby authorized and empowered once in every year, between the first day of April and the first day of May in each and every year, to determine and direct what sum or sums of money shall be raised and levied upon the Inhabitants in the District on the eastern side of the Harbour of the said City, for answering the purposes aforesaid, and to direct by warrant under their common Seal to the assessors herein-after mentioned, to make a rate and assessment in due proportion upon all and every the person or persons who do or shall inhabit, hold, occupy or enjoy any Land, House, Shop, Warehouse, or other tenement within the District on the eastern side of the harbor of the said City: Provided always, that the sum to be assessed upon anyone person in any one year shall not exceed the sum of five pounds, and the said assessors are hereby authorized and required to make such rate and assessment, which same rate and assessment so to be made, shall be collected by a Collector to be by the said Mayor, Aldermen and Commonalty of the said City for that purpose from time to time appointed, and in case any person or persons so rated and assessed, shall neglect or refuse to pay the said sum so rated upon him, her or them, it shall and may be lawful for the said Collector to sue for and recover the same, by action of debt in the City Court of the said City, in like manner as any other debt can or may be sued for, prosecuted and recovered in the same Court.

III. Provided always, and it is hereby enacted, That in case any person or persons shall think him, her or themselves aggrieved by any rate and assessment to be made as aforesaid, it shall and may

be lawful for them respectively, within the space of five days after the sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City, and whose decision shall be final and conclusive, and that a memorandum in writing of such appeal, filed in the common Clerk's Office within the said time, shall suspend further proceedings until such decision shall be had.

IV. And be it further enacted, That it shall and may be lawful for the said Watchmen or any of them, and they are authorized and required in their several stations during the time of their keeping watch as aforesaid, to apprehend all night-walkers, malefactors, rogues, vagabonds, and all other disorderly persons whom they shall find disturbing the public peace, and to carry him, her or them as soon as conveniently may be, before the Mayor, Recorder, or one of the Aldermen of the said City, or a Justice of the Peace for the City and County of Saint John, to be examined and dealt with according to Law.

V. Provided always, and be it further enacted. That in case there shall be any deficiency in any one year's assessment so to be made as aforesaid, so that the wages and allowances to Watchmen and other incidental charges cannot be fully satisfied, paid and discharged in that year, such deficiency shall be made up in and paid out of the next succeeding year's rate and assessment, and if there shall happen to be any overplus money collected by such rate or assessment as aforesaid in any one year, such overplus shall be carried on to the credit of the account of the next year's rate and assessment, and shall be applied for such uses and in such manner as the rates and assessments collected are by this Act directed to be laid out and applied, and to no other use or purpose whatsoever.

VI. And be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City, to appoint annually, three discreet persons being freemen of the said City, to act as assessors under this Act, who shall be sworn to the faithful discharge of such duty, before the Mayor or Recorder of the said City, and any person so appointed who shall neglect or refuse to accept the said appointment or to become qualified, or having become qualified shall refuse to perform his duty, shall for each and every neglect or refusal, forfeit and pay the sum of five pounds, to be recovered on conviction before the Mayor or Recorder of the said City, and levied by distress and sale of the Goods and Chattels of the offender, by warrant under the hand and seal of the said Mayor or Recorder, and paid into the hands of the Chamberlain of the said City, to be applied for such uses and in such manner as the rates and assessments collected under this Law, and for no other use whatsoever; and the said Mayor, Aldermen and Commonalty of the said City, may appoint some other person or persons being freemen in the place or places of any person or persons refusing to act or to become qualified as required by this Act, so often as such shall be the case, which person or persons so to be appointed in the place or places of such person or persons so neglecting or refusing, shall be liable to the same and like penalties for neglect or refusal as the said persons first appointed, to be in like manner recovered, paid and applied, and so on as often as the case may happen.

VII. And be it further enacted, That the said Collector herein-before mentioned to be appointed, shall from time to time as he shall receive the same, pay the money by him collected into the

hands of the Chamberlain of the said City for the time being, who is hereby directed to keep a separate and distinct account thereof in a Book, to be by him appropriated for that particular purpose.

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

IX. And be it further enacted, That this Act shall continue and be in force for four years, and thence to the end of the next Session of the General Assembly, and no longer.