

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1835.* Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1835.

5 William IV – Chapter 9 (Session 2)

**An Act for the punishment of Persons who shall be guilty of the Trespasses therein mentioned in the City, of Saint John. Passed 24th June 1835.**

Whereas evil disposed persons hare of late broken, taken down, destroyed or carried away and done injury to the Lamps put up in the public streets and other parts of the City of Saint John for the purpose of lighting the said City, and also been guilty of committing divers others Trespasses injurious to the property of the Inhabitants and tending to the disturbance of the peace in the said City;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That if any person or persons shall willfully break, take down, destroy, carry away, or in any manner deface or injure any Lamp or Lantern placed, hung up or fixed in or upon any of the streets, lanes, alleys, public squares, private or public wharves, market slips, public landings, or other place or places within the said City by the authority of the Mayor, Aldermen and Commonalty of the said City or by any individual, for the purpose of lighting the said City, or shall wilfully extinguish the light or lights therein or be aiding or assisting in so doing, or shall wilfully break, deface, take down or remove any gate, window, shutter, door, porch, knocker, steps, sign or other fixture whatsoever attached to any public or private building within the said City, or shall wilfully pull up, carry away, or in any manner damage or injure any crop, vegetables, plants, trees or other things, growing or being in any garden, field or enclosure within the said City, and shall he thereof convicted before the Mayor or Recorder, or any one of the Aldermen of the said City, or any one of His Majesty's Justices of the Peace for the City and County of Saint John, either by the confession of the party offending, or on the oath of one or more credible witness or witnesses, or on view of the said Mayor or Recorder, or Aldermen or Justice so convicting, every such person so offending shall for each and every offence forfeit and pay a sum not exceeding Ten Pounds of lawful money of this Province, together with costs of suit, to be levied by Warrant of Distress and sale of the goods and chattels of every such offender, one moiety of which forfeiture when recovered shall he paid to the Chamberlain of the said City for the time being, to be applied towards the expense of lighting the said City and support of the Nightly Watch in the said City, and the other moiety to be paid to the person or persons who shall prosecute for the same, and for want of goods and chattels whereon the same can be levied it shall and may be lawful to commit any such offender to the common Gaol of the said City, there to remain without bail or mainprize, and to be kept at hard labour for a term not exceeding two months, unless such forfeiture and costs shall he sooner paid.

II. And be it enacted, That in case any person shall commit any or either of the offences aforesaid in the presence of any Sheriff, Deputy Sheriff, Constable, Marshal or Watchman, that then every such Sheriff, Deputy Sheriff, Constable, Marshal or Watchman shall forthwith arrest such offender and give information thereof to the Mayor or Recorder, or some one of the

Aldermen of the said City as aforesaid, in order that such offender may be convicted thereof in manner and form as hereinbefore directed.

III. And be it enacted, That this Act or any thing herein contained shall not bar or preclude any person or persons from recovering his, her or their damages against any person or persons who shall be guilty of any of the mischiefs or trespasses aforesaid, but that the same may be recovered in the same manner as if this Act had been passed.

IV. And be it enacted, that it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City to erect and place, or cause to be erected and placed, posts or other fixtures on any of the streets, squares, wharves or other places within the said City, at such places as they may from time to time think proper, whereon to hang or place any Lamp or Lantern for the purpose of lighting the said City, and that all such posts or fixtures of any description which shall be so erected or placed together with the Lamps or Lanterns and apparatus connected therewith, shall, be deemed and taken to be the property of the said Mayor, Aldermen and Commonalty, to enable them to maintain and support any action or actions at Law or other prosecution, for any injury done thereto.

V. And be it enacted, That if two or more persons shall have, been jointly concerned in committing any of the offences aforesaid, and one or more of them (not having been informed against) shall, within the space of one month after The offence committed inform against any or all of the others concerned in the same offence (also not having been informed against) so as to convict him, her or them, the person so informing shall not be liable to any part of the forfeiture hereinbefore mentioned.

VI. And be it enacted, That no person to whom as prosecutor any part of The penalty on conviction is hereby directed to be paid, shall on that account be prevented in consequence thereof from giving evidence as a witness on any prosecution, but such person shall be deemed and taken to be a competent witness whose credibility shall be judged of by the Magistrate before whom such prosecution shall be had.

VII. And be it enacted, That an Act made and passed at the last Session of the Legislature, entitled An Act further to continue An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John, to and the same is hereby repealed.

VIII. 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 forty, and no longer.