

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1843. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1843.

6 Victoria – Chapter 35

An Act for the amendment of the Charter of the City of Saint John. Passed, 11th April 1843.

Whereas sundry improvements are requisite in the Charter of the City of Saint John, and the Mayor, Aldermen and Commonalty of the said City, and a large and respectable number of the Inhabitants thereof, being Freemen and Freeholders, have, by their Petition prayed that such improvements may take place in the said Charter, and that the same may accordingly be amended by Law;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person shall hereafter be elected to the office of Alderman of the City of Saint John, under the Charter of the said City, who shall not be a Freeman of the said City, before and at the time of his election, and be possessed as owner thereof of Real or Personal Property, or both together, within the said City, over and above all Mortgages, Judgments, Bonds to the Queen or Her Successors, and all other incumbrances whatsoever to the extent of at least two hundred and fifty pounds, and no person shall be elected to the office of Assistant Alderman of the said City, under the said Charter, who shall not be a Freeman of the said City, before and at the time of such election, and in like manner be possessed as owner thereof of Real or Personal property, or both, within the said City, over and above all just debts and incumbrances whatsoever, to the extent of at least one hundred and fifty pounds.

II. And be it enacted, That no Freeman or other person qualified by the said Charter to vote for Members of the Common Council of the said City, shall hereafter exercise such right to vote, until such person shall have previously paid all rates or assessments imposed on and required of such person by Law, prior to the period of such election taking place.

III. And be it enacted, That it shall and may be lawful for the Mayor of the said City, and he is hereby authorized to licence persons being natural born British Subjects, or such as shall become naturalized or be made denizens, to use any art, trade, mystery or occupation, or carry on any business in merchandize or otherwise, within the said City, on paying yearly such sum not exceeding five pounds, nor less than five shillings, to be fixed and determined by an ordinance of the Corporation, for the use of the Mayor, Alderman and Commonalty of the said City of Saint John, together with the fees of office, and be subject also to the payment of all other charges, taxes, rates or assessments as any Freeman or other Inhabitant of the said City, may by Law be liable to or chargeable with.

IV. And be it enacted, That Aliens, the subjects of any other Country at peace with Great Britain, may be licenced by the Mayor of the said City, to use any art, trade, mystery or occupation, or to carry on any business in merchandize or otherwise, within the said City, on paying annually for the use of the Mayor, Aldermen and Commonalty of the said City, a sum not exceeding twenty five

pounds, nor less than five pounds, together with fees of office to be regulated by ordinance of the Corporation, and be subject also to the payment of all other charges, taxes, rates or assessments as any freeman or other inhabitant of the said City, may by Law be liable to or chargeable with.

V. And be it enacted, That the Common Council of the said City shall have power and authority in the event of any one of the Aldermen or Assistant Aldermen of the said City, being found guilty of grossly improper conduct at any of the meetings of the said Common Council, (two thirds of the Members of the said Council concurring therein,) to expel such Member from the said Common Council, and the member so expelled shall thereby forfeit all his right and power as an Alderman or Assistant Alderman for the year for which he may have been elected; and it shall and may be lawful for the Mayor of the said City, and he is hereby required forthwith after such expulsion, to order a new election for the choice of some properly qualified person to serve in the place of the Member so expelled.

VI. And be it enacted, That the Common Council of the said City shall appoint the time of day and place for holding all elections for Charter Officers, or for any of them, in the respective Wards within the said City, and also shall have power to appoint one or more Commissioner or Commissioners for each Ward for holding the said elections, and shall and may by Ordinance make such further regulations for conducting the said elections, 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 purpose.

VII. And be it enacted, That the Common Council of the said City shall have full power and authority from time to time to displace the Chamberlain or Treasurer of the said City, appointed under and by virtue of the said Charter, for neglect of duty or other misconduct, (two thirds of the Members of the Council concurring in the motion,) and appoint another in his place.

VIII. And be it enacted, That the Mayor, Aldermen and Commonalty of the said City, shall and may have power, by their Bye Laws, to enforce the payment of penalties thereby imposed by imprisonment of the offenders for a limited period of time, not exceeding forty days, in case no goods or chattels can be found whereon to levy the said penalties: Provided always, that such Bye Laws before being carried into force shall be confirmed by the Lieutenant Governor or Commander in Chief and Executive Council of the Province.

IX. And be it enacted, That every person hereafter to be appointed Mayor of the said City, shall and may take the oaths of office required by the Charter of the City, before the Lieutenant Governor or Administrator of the Government of the Province for the time being, or any Commissioner or Commissioners to be by him appointed, instead of taking the said oaths as is now required in the presence of the Lieutenant Governor and three or more Aldermen of the said City.

X. And be it enacted, That it shall be the duty of the Common Council of the City, to publish in two of the Newspapers published in the City two months before the annual election of Charter Officers in each year for the information of the Citizens of Saint John, a full and detailed statement

of the receipts and expenditure of the Corporation during the year, and in every such statement the different sources of City Revenue and the amount received from each, the several appropriations made by the Common Council, the objects for which the same were made, and the amount of monies expended under each, the monies borrowed on the credit of the Corporation, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified, and that such statement and accounts shall be made up to the thirty first day of December, preceding such publication in every year.

XI. And be it enacted, That from and after the passing of this Act the Mayor, Common Clerk, Chamberlain, and all the other officers of the Corporation shall be remunerated by fixed salaries, to be settled, adjusted and determined from time to time by the Common Council of the said City: Provided always, that the salary of the Mayor so to be settled shall not be less than four hundred pounds, and the salary of the Clerk not less than five hundred pounds, which salaries shall be in lieu and substitution of all Fees by them receivable under and by virtue of their respective offices.

XII. And be it enacted, That all costs, fees and emoluments whatever payable to and receivable by the said Mayor, Common Clerk and Chamberlain, or any other officer of the said City, judicial or ministerial for any act, matter or thing done by him or them by virtue of his office in any capacity whatever, shall be paid by such officer on receiving them or entitled thereto to the Chamberlain or Treasurer of the said City for the time being, for the public use of the said City in such manner and under such Rules and Regulations for duly accounting therefor as the Common Council shall by Bye Law, Rule or Ordinance from time to time prescribe and determine, and under and subject to such pains and penalties as the Common Council may by Bye Law, Rule or Ordinance from time to time prescribe and determine.