

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1844. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1844.

7 Victoria – Chapter 22

An Act in addition to an Act, intituled *An Act to prevent Nuisances within the City of Saint John*. Passed 25th March 1844.

Whereas buildings have been erected in the City of Saint John, covering the whole ground belonging to the owner thereof, without privies or any means to accommodate the tenants thereof, whereby the Streets in front of or near the same have been encumbered with noxious and offensive matter, and the air rendered impure and injurious to health and annoying to passengers: And Whereas vacant Lots within the said City have frequently been left on the sides of the Public Streets without fences or any protection against accidents, to the peril of the lives and limbs of the Inhabitants;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That if any dwelling houses already erected or hereafter to be erected within the City of Saint John, shall be let or leased to any one or more tenants, without a sufficient privy or privies for the size of the building and the number of tenants the same is capable of containing, either in the yard attached to the said building, or in some suitable part or parts of the said buildings, with good and sufficient drains leading therefrom and falling into the Harbour of Saint John, or other means of keeping the same clean, every person or persons owning or letting such dwelling house not so provided with a privy or privies as aforesaid, shall forfeit and pay the sum of two pounds for each and every tenant of the said building, and the further sum of one pound per week for each and every week the said tenants, or any of them, shall be allowed to remain in such building after the time of their first occupation, or after notice of the nuisance to such owner or owners, or person letting or leasing the same, to be given by the person or persons hereinafter mentioned, to be recovered on conviction before any two of Her Majesty's Justices of the Peace for the City and County of Saint John, on the oath of one or more credible witness or witnesses, and levied by Warrant of Distress and Sale of the goods and chattels of the offender or offenders, and for want thereof, his, her or their body or bodies to be taken to the Common Gaol, and there kept for fourteen days, unless sooner discharged by payment of such penalty; and when recovered, to be paid, after deducting the costs of prosecution, into the hands of the Chamberlain of the said City, to be appropriated by the Common Council of the said City in removing nuisances from the Streets of the said City and keeping the same in order.

II. And be it enacted, That it shall and may be lawful for any Grand Jury of the said City and County of Saint John, or any two Members of the Common Council of the said City, or person or persons appointed or directed by the said Common Council, to enter into and upon any building so erected or to be erected in the said City, suspected of not being furnished with such privy or privies, and let as aforesaid, for the purpose of inspecting the same and every part thereof; whose duty it shall be, on finding any infringement of this Act, forthwith to notify the owner or owners

thereof, or persons letting the same, and to cause proceedings to be had under this Act against the offender or offenders.

III. And be it enacted, That every owner or owners of such premises, landlord or person letting the same, without having a privy or privies attached to the said building, with other means of keeping the same clean as aforesaid, shall be deemed guilty of a misdemeanor.

IV. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, from time to time to make such Bye Laws and Ordinances for the suppression of the Nuisances aforesaid, in connection with the good order and cleanliness of the Streets of the said City, and for the purpose of compelling the owners or persons interested in any vacant Land situate on the sides of any of the Public Streets, Lanes, Wharves, Highways or Bridges of the said City, to erect fences thereon to prevent injury to the Inhabitants in passing or repassing, as they may think necessary, and may impose, levy and receive such reasonable fines for any breach of any of the provisions of such Laws and Ordinances, or enforce the payment of such reasonable expenses for erecting and keeping up such fences, in case of neglect or refusal by such person or persons to erect and keep up the same, as the said Mayor, Aldermen and Commonalty may think fit.

V. And be it enacted, That this Act shall not come into operation until the first day of June next.