

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 59

An Act to amend an Act, intituled *An Act to incorporate the City of Fredericton*. Passed 14th April 1849.

Whereas doubts have been entertained with regard to the construction of some of the provisions of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled An Act to incorporate the City of Fredericton, and it is deemed advisable to declare the Law relative thereto, and to amend the said Act in, several respects;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of an Act made and passed in the eleventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the City of Fredericton*, as is inconsistent with the provisions of this Act, be and the same is hereby repealed; provided that in all other respects the said Act shall continue in full force and effect.

II. And be it declared and enacted, That from and after the passing of this Act, every person, being the owner of premises, otherwise qualified to vote for City Councillors according to the provisions of the eleventh section of the said recited Act, shall enjoy such right to vote, although such owner be not a resident within the said City, pursuant to the provisions aforesaid, and although such person or persons may not be in the occupation of the premises in virtue of which such person or persons claim the right to vote; and every male inhabitant of the said City of the age of twenty one years and upwards, who shall actually and within the Ward for which he shall vote, have been for three months previous to the day of the election the bona fide owner of real or personal property of the value of one hundred pounds, and otherwise qualified by residence and payment of taxes, as is provided in the said eleventh section of the said recited Act; shall also be entitled to vote for the election of Councillors for the said City; and all future elections of City Councillors may be held before such person or persons, not being a Member or Members of the Council, as the Council shall from time to time appoint; and in all cases of election held after this present year, no person shall be deemed qualified to vote who has not paid the amount of taxes required by the said eleventh section of the said recited Act four months before the day of any such election.

III. And be it declared and enacted, That in all questions before the City Council the Mayor shall be entitled to one vote, and no more, which vote he may give with the other Councillors, or otherwise in his discretion; and in all cases, whether in the Council or any Committee thereof; a majority of Councillors shall decide and determine all questions; that no Councillor shall be allowed to absent himself from the Council for more than two months without leave, and in such case, or whenever a Councillor leaves the City permanently, the Council shall have full power to vacate his seat and order an election for another Councillor to serve in his stead and in all cases the

Council may meet and transact business at any time, with or without notice, provided all the members of the Council be present.

IV. And be it declared and enacted, That all Firemen in the said City, and each and every of them, during their continuance in office, shall be exempt from the several offices of Constable and Surveyor of Highways, and from serving on any Jury at the General Sessions of the Peace and Inferior Court of Common Pleas for the County of York, and from the performance of all Statute Labour on the Highways; and the sum or sums for which any such Fireman has been or at any time hereafter may be assessed for the repair of the Streets and Highways in the City of Fredericton, shall, for all purposes whatever contemplated by the said recited Act to incorporate the City of Fredericton, be deemed and taken to be paid and discharged, as fully and effectually as if such Firemen had paid the same in money, under and subject to such bye laws, rules and ordinances as the City Council shall from time to time make, ordain and establish relative thereto.

V. And be it enacted, That the said City Council on granting any Retailor Tavern Licences, may impose such fine or sum of money on the person receiving the same, not exceeding fifteen pounds, as they in their discretion may think proper.

VI. And be it enacted, That the Accounts of the income and expenditure of the said City shall be made up and published in one or more of the public newspapers of the said City, from time to time, by the Auditor instead of the Treasurer of the said City, as is provided in and by the Act of Incorporation above recited; and such Accounts shall be open for inspection by the inhabitants of the said City, in the office of the City Clerk, at such times and under and subject to such bye laws, rules and ordinances as the Council of the said City may from time to time make, ordain and establish.

VII. And be it enacted, That nothing in the said recited Act mentioned shall be construed to authorize any greater number than five of the said Councillors, to be named by the City Council for the time being, to sit and vote at any General or Special Sessions of the Peace for the said County.