

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1850. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1850.

13 Victoria – Chapter 1 New Brunswick Local Acts

An Act relating to the Police Office established in the City of Saint John, and to provide for the relief of Debtors confined in the Gaol of the said City for small sums, and making provision for the levying and collecting of assessments in the said City, and other purposes. Passed 18th March 1850.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Police Magistrate or other Magistrate sitting at the Police Office established in the City of Saint John by virtue of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled An Act in further amendment of the Charter of the City of Saint John, to hear and determine all offences committed against any bye law or ordinance of the Corporation of the said City; and that all fines, penalties and forfeitures, and sums of money, imposed and awarded in and by any of the said bye laws or ordinances now in force or which may be hereafter ordained and become in force, shall and may be sued for, prosecuted and recovered, with costs, before the said Police Magistrate or other Magistrate sitting at the said Police Office as aforesaid, and with the like effect as any other fine, penalty, forfeiture or sum of money may be sued for, prosecuted and recovered before the said Police Magistrate; and that in every case on the adjudication of any pecuniary penalty under any such bye law or ordinance, and non-payment thereof, it shall be lawful for the said Police Magistrate or sitting Magistrate to commit the offender to the Common Gaol or Provincial Penitentiary for the term directed and provided in and by such bye law or ordinance.

II. And be it enacted, That all moneys received and collected by the said Police Magistrate in respect of any fines, penalties and forfeitures incurred and paid under the provisions of any such bye law or ordinance, shall be paid over by the said Police Magistrate, with an account thereof on oath, on the first day of every month, or if such first day of the month be Sunday then on the next preceding day, into the hands of the Chamberlain of the said City, for such uses and purposes as may be directed in and by such bye laws and ordinances respectively, and at the same time he shall pay all fees and costs received by him in collecting the same, into the hands of the said Chamberlain, to the use of the Watch and Police Funds.

III. And be it enacted, That a copy of any such bye law or ordinance purporting to be certified under the hand of the Common Clerk of the said City to be a true copy, and to have been confirmed by the Lieutenant Governor in Council, shall be prime facie evidence of such bye law or ordinance, and of the due confirmation thereof, in all Courts within this Province.

IV. And be it enacted, That it shall be the duty of the Police Magistrate and Policemen of the said City at all times to be vigilant and faithful in endeavouring to discover and detect all offences against the said bye laws and ordinances, and all other offences whatsoever against the law, and

to be aiding and assisting the Mayor, Recorder and Aldermen of the said City in enforcing obedience thereto.

V. And be it enacted, That any person confined for debt in the body of the Gaol in the City and County of Saint John, whether on *capias*, attachment or execution, in any suit brought before a Justice of the Peace of the said City and County, or in the City Court of Saint John, and being in indigent circumstances, may make application for his discharge to the Mayor, or the Recorder, or Police Magistrate, or an Alderman, or the Common Clerk of the said City; and the said Mayor, Recorder, Police Magistrate, Alderman, or Common Clerk, or any one of them, may grant an order, directed to the Sheriff of the said City and County, requiring him to bring up such confined debtor for examination at such time and place as may be thought fit; and the said Sheriff shall duly obey such order, and not be liable for any action for escape or other suit in consequence thereof.

VI. And be it enacted, That in pursuance of such order the said confined debtor may be examined at the time and place specified in such order, on oath before the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or any two of them, of whom the Police Magistrate, the Recorder, or Common Clerk, shall be one, and if on such examination it shall appear to their satisfaction that the said debtor is in really indigent circumstances and unable to pay the amount for which he is confined, or to support himself in gaol, the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or such two of them as aforesaid, may make an order for the immediate discharge of the said debtor from custody in the said suit, and such debtor shall thereupon accordingly be immediately discharged from such custody, without payment of any gaol fees; provided nevertheless, that no such order for discharge shall be made in any suit unless it be made to appear to the satisfaction of the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or such two of them as aforesaid, that at least twenty four hours notice of the time and place of the said examination had been previously given to the plaintiff or creditor in such suit, or his agent, or left for him at his present or last place of residence.

VII. And be it enacted, That the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or any one of them, shall have power to summon witnesses to attend and give evidence at such examination, and shall and may have the same power and authority to issue a summons for the appearance of any person to be examined as a witness at such examination, and in case the same be not obeyed, to issue warrants for the apprehension and commitment of such persons, as are given to and vested in a Justice of the Peace on any information or complaint before him, in and by the sixth section of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to facilitate the performance of duties of Justices of the Peace out of Sessions within this Province with respect to summary convictions and orders*.

VIII. And be it enacted, That the twenty ninth section of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in further amendment of the Charter of the City of Saint John*, be and the same is hereby repealed.

IX. And be it enacted, That in case of the death, illness, absence, or refusal to act, or resignation of any Commissioners appointed under the twenty first section of the said last recited Act, another

or others may be appointed by the Mayor, Recorder, and Sheriff, or any two of them, at any time previous to the election which such Commissioner may be appointed to hold; and in case of an election to supply any vacancy in the office of Alderman, Councillor or Constable, arising from the provisions of the said Act, the said election shall be held in the manner pointed out in the said twenty first section.

X. And be it enacted, That nothing in the twenty third section of the said recited Act contained shall be construed to disqualify any person from being elected or holding a seat as an Alderman or Councillor by reason only of his having or having had directly or indirectly by himself or his partners any share or interest in any lease, sale or purchase of Corporation lands, tenements or hereditaments, or any agreement for any such lease, sale or purchase, or for the loan of money.

XI. And be it enacted, That the Deputy Clerks of the several Markets in the City of Saint John, and the Master of the Steam Ferry Boat plying in the Harbour of Saint John, in order to the preservation of the peace and good order in the said Markets or Ferry Boats, shall (during the time they hold the said offices or places) be, and they are hereby severally vested (in addition to any power given by the Charter of the said City, or any bye law or ordinance of the Corporation of the said City) with all the powers and authorities vested in the Policemen of the said City by any law or statute now in force in this Province.

XII. And whereas doubts have arisen as to the power of the Mayor's Court of the City of Saint John to appoint Commissioners to take Bail under the provisions of an Act made and passed in the sixtieth year of the Reign of His Majesty George the Third, intituled *An Act to authorize and empower the Inferior Court of Common Pleas in the respective Counties of this Province to appoint Commissioners to take Bail in the same Courts*; Be it therefore declared and enacted, That the provisions of the said recited Act shall be deemed and taken to authorize and empower the Justices of the Inferior Court of Common Pleas for the City and County of Saint John,, to appoint Commissioners in the said City, or elsewhere in the said City and County of Saint John, to take Bail in the said Court in the manner provided by the said recited Act.

XIII. And be it enacted, That it shall and may be lawful for the said Police Magistrate, upon complaint of the party aggrieved, to hear and determine by himself alone, summarily, all prosecutions and complaints of common assaults and batteries, in the same manner, and under the same limitations and provisions, and with the same power and authority as is directed to be done by two Justices of the Peace, in respect of such complaints, in and by the seventy fourth, seventy fifth and seventy sixth sections of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to consolidate and improve the Laws relative to the administration of Criminal Justice*; and all fines, penalties, fees and costs received and collected by the said Police Magistrate in respect of such prosecutions, shall be accounted for and paid over by him to the said Chamberlain, in like manner as is directed in the second section of this Act, for the use of the said Watch and Police funds.

XIV. And be it enacted, That when any person shall be charged with any larceny, or any offence of receiving stolen goods, whenever the value of the property stolen shall not exceed forty shillings, it

shall be lawful for the said Police Magistrate, together with any two Magistrates for the City and County of Saint John, forthwith to hear and determine such offence, and on conviction either by confession or on the testimony of one or more credible witness or witnesses, the said Magistrates are hereby authorized and empowered to commit the offender to the Common Gaol or Provincial Penitentiary, in the discretion of the said Magistrates, for any term not exceeding six months.

XV. And be it enacted, That the said Police Magistrate shall direct some one of the Policemen to be in constant daily attendance at the Mayor's office during office hours, whose duty it shall be to observe and obey all such orders and directions as may be given him by the Mayor or Recorder in respect of the public business of the City.

XVI. 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, and they are hereby authorized and empowered to appoint such and so many Assessors and Collectors as they in their discretion shall think fit, for the asses-sing, levying and collecting of all such rates, taxes and assessments, as shall from time to time be required to be levied and assessed upon the said City by virtue of any law for raising or assessing any sum or sums of money upon the said City.

XVII. And be it enacted, That the Assessors and Collectors appointed or so to be appointed in and for the said City, shall be and they are hereby made subject and liable to the same rules, regulations, restrictions, penalties and forfeitures, as the Assessors and Collectors of any Town or Parish in this Province are made liable to under and by the provisions contained in section second of an Act made and passed during the present Session of the Legislature, intituled *An act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*.

XVIII. And be it enacted, That the fifth, sixth, seventh and thirteenth sections of an Act made and passed in the seventh year of the Reign of His Majesty William the Fourth, intituled *An Act to provide for the collection of County and Parish Rates*, be and the same are hereby continued and declared to be in force, and incorporated with as part of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same*, as also for other purposes, during the continuance of the said last recited Act.

XIX. And be it enacted, That it shall be lawful for the Common Council of the said City, by any bye laws or ordinances for such purpose to be passed, to make rules and regulations for the government of the said Assessors and Collectors, and thereby to order and direct the mode in which they shall execute and perform the various duties required of them by law, and to impose such fines and penalties for the better enforcing thereof as they may deem reasonable, not to exceed in any case the sum of ten pounds; provided that no such bye laws or ordinances shall be of any effect which are repugnant to the provisions of any Act of Assembly relating to the subject matter thereof.

XX. And be it enacted, That the said Assessors shall for the purpose of enabling them to obtain information for making such assessments, have liberty to search at the Record Office of the City and County of Saint John, to ascertain the amount of property owned by any person liable to assessment, and the Registrar shall receive for all searches (from such Assessors) connected with any one individual's property, the sum of one shilling and no more, which sum so paid by the said Assessors shall be allowed and repaid them in addition to their commission; provided always, that such Assessors shall only be permitted to search under the authority of this Act between the time of their appointment and the making of the assessment in each and every year.

XXI. And be it enacted, That a bye law or ordinance of the Corporation of the City of Saint John, made and passed on the twenty fifth day of February last, intituled *A Law to regulate the election of Aldermen, Councillors and Constables in the City of Saint John*, be and is hereby declared to be good, valid and effectual in the law, and that the same be and is to all intents and purposes hereby ratified and confirmed.