

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1851. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1851.

14 Victoria – Chapter 15 New Brunswick Local Acts

An Act to repeal the several acts for incorporating the city of Fredericton, and to make other provisions in lieu thereof. Passed 30th April 1851.

Whereas the provisions of the Act to incorporate the City of Fredericton, and the several Acts to amend the same, have been found defective

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That 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, and another Act made and passed in the twelfth year of the same Reign, intituled An Act to amend an Act, intituled An Act to incorporate the City of Fredericton and also an Act made and passed in the thirteenth year of the same Reign, intituled An Act relating to the levying and collecting of Rates in the City of Fredericton, be and the same are hereby respectively repealed; provided always, that all Elections of City Councillors or Mayor, and all appointments of City Officers made under the authority of the said several Acts hereby repealed, shall be and remain good, valid and effectual until other Councillors, Mayor or other City Officers shall be elected or appointed in their stead under the provisions of this Act; and provided also, that all assessments of rates heretofore made upon the said City and not yet collected, and all fines and penalties heretofore imposed under the authority of the said several Acts or any of them, may be proceeded for, recovered, collected and applied in the same manner in all respects as if the said Acts had not been repealed; and that all bonds, recognizances, judgments, and all leases, conveyances or contracts, sealed with the Seal of the said Corporation, or otherwise executed by the authority of the City Council, should remain good, valid and effectual for all purposes expressed therein, notwithstanding the repeal of the said several Acts; and that all actions, suits and proceedings which may have been commenced in any Court by or against the said Corporation, under the provisions of the said Acts, may be proceeded with to their termination and satisfaction in the same manner as if the said Acts had not been repealed; and all bye laws, rules and ordinances, and every act, matter or thing heretofore done under the authority of the said several Acts, or any of them, s be and remain good, valid and effectual in the same manner to all intents and purposes as if the said Acts had not been repealed.

II. And be it enacted, That from and after the passing of this Act all the inhabitants of that part of the County of York which is bounded as follows—Northeasterly by high water mark on the northeastern bank of the Hiver Saint John, southeasterly by the County of Sunbury, northwesterly by the lower line of the Parish of Kingsclear and its northeasterly prolongation, and southwesterly by the Parish of New Maryland, shall be a City Corporate in right and in name, by the name of The City of Fredericton, and shall hare perpetual succession, and a Common Seal, with power to break, renew and alter the same at pleasure, and shall be capable in law of sueing and being sued, and of purchasing and holding lands and tenements for the use of the said inhabitants, and of making and entering into such contracts and agreements as may be necessary for the exercise of their

corporate functions, and to do and execute every other matter or thing incident to such Corporation, subject to the provisions hereinafter mentioned.

III. And be it enacted, That for the purposes of this Act the said City of Fredericton shall be and is hereby divided into five Wards, to be severally bounded as follows:—

The first to be called Wellington Ward, and be bounded on the northeast, the southwest, and the northwest by the limits of the City, and on the southeast by a line drawn along the centre of Northumberland Street and its prolongations:

The second to be called Saint Ann's Ward, and be bounded on the northeast and the southwest by the limits of the City, on the northwest by Wellington Ward, and on the southeast by a line drawn along the centre of York Street and its prolongations:

The third to be called Carleton Ward, and be bounded on the northeast and southwest by the limits of the City, on the northwest by Saint Ann's Ward, and on the southeast by a line drawn along the centre of Regent Street and its prolongations:

The fourth to be called Queen's Ward, and be bounded on the northeast and the southwest by the limits of the City, on the northwest by Carleton Ward, and on the southeast by a line drawn along the centre of Church Street and its prolongations:

The fifth to be called King's Ward, and be bounded on the northwest by Queen's Ward, and on the northeast, the southeast and the southwest by the limits of the City.

IV. And be it enacted, That the administration of the fiscal, prudential and municipal affairs, and the whole legislative power and government of the said City, shall be vested in one principal officer, who shall be and be styled the Mayor of the City of Fredericton, and in ten other persons, (and in no other power or authority whatsoever,) two of whom shall be annually elected for each Ward, and who shall be and be styled *Councillors* of the City of Fredericton, all of whom shall be severally elected as is hereinafter directed; and such Mayor and Councillors for the time being shall be and be called *The City Council*; and all bye laws made by the said City Council shall express to be enacted By the City Council of the City of Fredericton.

V. And be it enacted, That there shall be annually elected at the same time hereinafter appointed for the election of Councillors, one Officer for each Ward, who shall be and be called an Assessor; and no person shall be eligible for that office unless he be resident in the Ward for which he may be elected, and qualified to the extent required by this Act in the case of a Councillor.

VI. And be it enacted, That no person shall at any time be qualified to be elected as Mayor, Councillor or Assessor for the said City, unless at the time of his election he be resident within the said City, a British Subject of the full age of twenty one years, and shall have been assessed in the assessment next preceding such Election for real or personal estate, or both, within the said City,

to the value of two hundred and fifty pounds or upwards, and shall have paid before the time of such Election all rates and taxes legally due from him within the said City.

VII. And be it enacted, That no person shall be qualified to vote at any Election for Mayor, Councillors or Assessors, unless such voter be a British Subject, and of the full age of twenty one years, and shall have been assessed in the assessment next preceding such Election for real or personal estate, or both, within the said City, to the value of fifty pounds or upwards, or for income to the amount of twenty five pounds, and shall have paid before the time of such Election all rates and taxes legally due from him within the said City.

VIII. And be it enacted, That the evidence required under this Act, of assessment for property, and of payment of rates thereon, shall be a receipt from the City Treasurer, or from the Collector of Rates, who is hereby required to furnish the same on demand, under the penalty of forty shillings for each refusal, which receipt shall contain a statement of the value of property or income assessed against the person therein named, and an acknowledgement that the rates due by such person in respect of such assessment have been fully paid.

IX. And be it enacted, That no person shall be qualified to be elected to serve in the office of Mayor or Councillor, so long as he shall hold any office or place of profit in the gift or disposal of the City Council, nor during such time as he shall by himself or his partner, or in any other way or manner, directly or indirectly, have any share or interest in any contract or employment with or on behalf of the said City Council, nor shall any Minister or Teacher of any religious denomination whatsoever, nor any person accountable for the City Revenues or any part thereof, nor any officer or person presiding at an Election of a Mayor, Councillor or Assessor, while so presiding, nor any Clerk or Assistant employed by him at any such Election, while so employed, be elected to the office of Mayor or Councillor in the said City; provided nevertheless, that no person shall be disqualified to serve as Mayor or Councillor as aforesaid, by reason of his being a proprietor or shareholder in any Company which shall or may contract with the City Council for lighting, supplying with water, or insuring against fire, any part of the said City; provided always, that such disqualification shall not arise from holding any lease of land from the Corporation; and that no Councillor shall receive into his hands any moneys for and on account of any contract, work or employment made, done or performed by or on behalf of, or by direction of the said Corporation, but that all moneys due by the said Corporation on any such account shall be paid by the Treasurer of the City to the person or persons who shall have actually done such work, and shall be entitled to such moneys by, under or for such contract, work or employment, or to his or their order.

X. And be it enacted, That no person elected to serve as Mayor, Councillor or Assessor, who is above the age of sixty five years, or who shall have already served in or paid the fine for the non-acceptance of such office within five years next preceding the day on which he shall be so elected, or who is a Member of the Legislature or of the Executive Council of this Province, shall be liable to a fine for the non-acceptance of such office; and provided also, that no Military, Naval or Marine Officer in Her Majesty's Service, on full pay, nor the Surveyor General, the Provincial Secretary, Clerks in Public, Civil or Military Departments, the Postmaster General, nor his Deputies, nor

Custom House Officers, Sheriffs, Coroners, Clerks and Commissioned Officers of the Legislature, nor the Clerk of the Executive Council, nor School Masters, shall be held or deemed liable to accept any such office as aforesaid, or any office in the said City.

XI. And be it enacted, That every person elected to the office of Mayor or of Councillor, or of Assessor for the said City, within five days after receiving notice of his election, or if he be absent from the City at the time of his election, then within five days after his arrival in the said City, and notice as aforesaid, shall accept the said office to which he shall be so elected, and take the oath of office, under a penalty of ten pounds currency for non-acceptance of the office of Mayor, or of five pounds for non-acceptance of the office of Councillor, or of three pounds for non-acceptance of the office of Assessor, and the election to any of the said offices shall be held prima facie evidence of qualification on the part of the person so elected, unless such person shall make oath before the Mayor for the time being, or before any Justice of the Peace for the County of York, who are hereby authorized to administer such oath, that he is not possessed of the qualification required by this Act, in some particular to be stated in such oath.

XII. And be it enacted, That when any person, duly elected to the office of Mayor, Councillor or Assessor, shall neglect or refuse to accept the same within the time limited, or to take the oath of office as aforesaid, the said office shall be deemed vacant, and shall be filled up by a new Election, to be made in the manner hereinafter provided for holding Elections.

XIII. And be it enacted, That if any person holding the office of Mayor or of Councillor shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound with his creditors by deed or other writing, or shall remove his place of residence without the limits of the City, or shall be absent from the City or from the meetings of the City Council, for more than two months at any one time, except in case of illness, or by leave of the City Council first obtained, then and in every such case such person shall immediately be deemed and taken to be disqualified, and shall cease to hold his office of Mayor or Councillor, and his place shall be filled up by a new Election, to be made in the manner hereinafter directed for holding Elections; and in the case of such absence as aforesaid, he shall be liable to the same fine, to be recovered and applied in the same manner, as if he had neglected or refused to accept the said office, as hereinbefore mentioned.

XIV. And be it enacted, That the first Election for a Mayor for the said City, after the passing of this Act, shall be held on the second Monday in May in the present year; and the annual Election for a Mayor as aforesaid, in all succeeding years, shall be held on the second Monday in March in each and every year.

XV. And be it enacted. That the first Election for two Councillors and one Assessor for each Ward of the said City, after the passing of this Act, shall be held on the last Monday in May in the present year; and the annual Election for two Councillors and one Assessor for each Ward as aforesaid, in all succeeding years, shall be held on the last Monday in March in each and every year.

XVI. And be it enacted, That every Election for Mayor, Councillors or Assessors to be held under and by virtue of this Act, after due notice as hereinafter directed, shall be held as follows, that is to say: For the Election of Mayor, at one convenient place within the said City; and for the Election of Councillors or Assessors, in one convenient place in each of the several Wards thereof; and by and before such fit and proper persons as shall be appointed for the purpose by the City Council for the time being, or by the High Sheriff of the County of York in case of the neglect or refusal of the City Council to make such appointments.

XVII. And be it enacted, That public notice of the time and place for holding every such Election respectively shall be given by the City Clerk, by publishing such notice in one or more of the public newspapers printed in the said City, and by printed handbills in the several Wards, for not less than ten days previous to such Election; provided always, that the Elections in the several Wards for Councillors and Assessors shall all be held on the same day and hour.

XVIII. And be it enacted, That at every annual Election to be held under and by virtue of this Act, and before the polling commences, which shall be at ten o'clock in the forenoon, there shall be nominated by duly qualified Electors, out of the persons capable of being elected, including the Mayor, Councillors and Assessors then in office, one or more persons for the office of Mayor, two or more persons for the office of Councillor in each Ward, and one or more persons for the office of Assessor in each Ward; and no vote shall be counted except those given for one or some of the persons so nominated as aforesaid.

XIX. And be it enacted, That at all Elections to supply extraordinary vacancies, there shall be nominated in the manner hereinafter provided, and out of persons duly qualified, one or more persons according to the nature or number of vacancies so to be supplied, and the votes given for the persons so nominated only shall be counted.

XX. And be it enacted, That all voting under this Act for election of Mayor, Councillors or Assessors, shall be by ballot and not by open vote; and a separate ticket shall be given by each voter for each office then about to be filled, but a blank ticket shall not in any case be counted as a vote; and provided also, that if in sorting the votes it shall be found that two or more ballots are enclosed in the same cover, or if the name of the same person be more than once entered in the same ballot, or if any ballot shall contain a greater number of names of persons as designated to any office than there are persons to be elected to such office, all such ballots shall be rejected *in toto* and destroyed.

XXI. And be it enacted, That at all Elections to be held under this Act, the Court for nomination of candidates or persons proposed shall be opened at nine o'clock in the forenoon, by and before the officer or person appointed to hold such Election; and the Poll shall open at ten o'clock in the forenoon, and shall continue open until five o'clock in the afternoon of the same day, unless sooner closed as hereinafter provided; and the name of each elector voting at such Election shall be written in Poll Lists to be kept at such Election, by the officer or person holding the same; and after finally closing the Poll for Councillors or Assessors at any such Election, the officer or person by whom the same shall be held, shall forthwith proceed openly and publicly to ascertain and

declare the number of votes given for each of the candidates or persons for whom votes shall then have been given, and he shall also then publicly declare the person or persons having the majority of votes in his or their favour to be duly elected as such Councillor or Assessor; and the officer or person so presiding, whether otherwise qualified or not, shall give a casting vote in cases where such casting vote may be necessary to determine the election of Councillors or Assessors.

XXII. And be it enacted, That the officer or person holding any such Election shall not be bound to keep the Poll open until five o'clock in the afternoon in any case where no more candidates have been proposed than may be necessary to be then elected, that in any such case the presiding officer may immediately after ten o'clock in the forenoon close the Poll, and declare such candidate or candidates to be duly elected; and provided also, that if no vote shall be polled or offered during any one hour at one time after twelve o'clock, then and in such case the presiding officer shall close the Poll as aforesaid at the expiration of such hour, and proceed to ascertain and examine the votes given, and declare the persons elected in the manner hereinbefore directed.

XXIII. And be it enacted, That the officer or person holding every Election for Councillors or Assessors as aforesaid, shall immediately after the close thereof make a return to the City Clerk of the names of the persons having the majority of votes and declared by him duly elected at such Election.

XXIV. And be it enacted, That the annual or other Election for a Mayor for the said City shall be held as hereinbefore provided in some central and convenient place in the said City, where every duly qualified elector for the City, or as many as shall think proper, may give his vote for any one of the candidates or persons nominated for that office; and at the final close of the Poll as aforesaid, the officer or person holding such Election shall examine the state of the ballot, and the person who shall have received the greatest number of votes, if they amount to more than half of the whole number of votes given at such Election, but not otherwise, shall be declared duly elected, and shall be as such returned by the presiding officer to the City Clerk; or if no one of the candidates or nominees shall have received more than half of all the votes given at that Election for the office of Mayor, the presiding officer shall forthwith after the close of the Poll, make a return to the City Clerk of the names of the persons for whom votes shall have been polled, and the number given for each, and the City Council, at their first meeting, which must be held within three days after the close of such Election, may choose one out of all the persons for whom such votes shall have been given, and the person so chosen shall be deemed duly elected to the office of Mayor of the City, and in either of the foregoing cases a certificate of such election under the hand of the City Clerk shall be forthwith transmitted to the Office of the Provincial Secretary; but if the City Council cannot agree upon the person so to be chosen, the names of all the said candidates or nominees, and the votes polled for them respectively, shall be forthwith submitted by the City Clerk to the Lieutenant Governor, who, by and with the advice and consent of the Executive Council, may and shall approve one of the said candidates or nominees to be Mayor of the said City.

XXV. And be it enacted, That the Poll Lists kept at every such Election, and the receipts delivered in by the electors as hereinafter mentioned, shall on the day next after the conclusion of such

Election, (unless such day be Sunday, Christmas Day or Good Friday, and then on the day next thereafter,) be delivered by the officers or persons bolding the same to the City Clerk to remain in his office, where they shall be open for inspection to any elector on the payment of one shilling.

XXVI. And be it enacted, That every person duly elected or appointed to the office of Mayor, and accepting the same by taking the prescribed oath as by this Act directed, shall be and remain in office as such Mayor, with all the powers and responsibilities incident to such office, until he die or become disqualified as hereinbefore provided, or until another person be sworn into office in his stead; and if any person holding the office of Mayor be at any annual Election re-elected to the said office, it shall not be necessary for him to be again sworn into office as such Mayor.

XXVII. And be it enacted, That if any vacancy shall happen by the death or disqualification of the Mayor, or of a Councillor or an Assessor, the Mayor, or in case of his absence, or if there be no Mayor, then any three of the Councillors, shall by order in writing, and within ten days after the vacancy shall have happened, direct the City Clerk to give public notice as hereinbefore provided of the time and place when and where an Election will be held to supply the said vacancy or vacancies, and such Election shall be held in the manner provided in and by this Act.

XXVIII. And be it enacted, That every person desirous of voting at any Election for Mayor, Councillors or Assessors, before he be permitted to vote, shall deliver to the officer or person bolding such Election, a receipt from the City Treasurer or Collector of Rates, as provided in and by the eighth section of this Act, (unless such receipt be already filed in the Office of the City Clerk,) and also, if required by the officer or person holding such Election, or by any one of the candidates, or by any person duly qualified to vote at such Election, shall make oath, or being a Quaker shall make affirmation, before the officer or person holding such Election, in the form following, that is to say,—

‘ I, A. B., do solemnly swear, [or affirm,] that I am a British Subject, and of the full age of twenty one years, and that I am the person named in the receipt now exhibited [or heretofore given in] by me, and that the said receipt was given to me by the City Treasurer (or Collector of Rates, as the case may be,) whose name is thereto subscribed, and that I have not before voted at this Election or if the Election be for a Councillor or Assessor, the form shall be— and that I have not before voted in any Ward at this Election.—So HELP ME GOD.’

Which oath or affirmation the officer or person holding such Election is hereby authorized to administer; and in every case where the elector shall have been sworn as aforesaid, the presiding officer shall note in his Poll Book that such elector had been sworn or had affirmed.

XXIX. And be it enacted, That if any person shall knowingly swear or affirm falsely in taking any or either of the oaths, or in making the affirmations prescribed in and by this Act, he shall be deemed guilty of wilful and corrupt perjury, and on conviction shall suffer the pains and penalties provided by law in the like cases.

XXX. And be it enacted, That at any Election for Councillors or Assessors, every elector shall vote in the Ward in which he resides and not elsewhere, or if he be the owner of sufficient property in more than one Ward, and have paid his rates as aforesaid, he may make his option to vote in either or any of the Wards in which he shall have such property, but no person shall vote at any one Election in more than one Ward.

XXXI. And be it enacted, That every officer or person holding any such Elections for Mayor, Councillors or Assessors as aforesaid, shall be and may be deemed a Peace Officer on that occasion, and shall have power and authority to maintain and enforce order and decorum, and preserve the peace at the Election held by him, and to suppress all riotous and disorderly conduct thereat; and all Peace Officers, and all others, Her Majesty's subjects, are hereby required and commanded to be aiding and assisting him therein; and every person neglecting or refusing to give such aid and assistance when thereunto required by such presiding officer, shall be taken and deemed guilty of a misdemeanor; and if any person or persons shall commit violence, or be engaged in any affray or riot, or shall in any wise disturb the peace and order at such Election in any manner whatever, or in any wise interrupt the Poll, or the business thereof, or wilfully obstruct or threaten any person coming to vote, the officer or person holding any such Election shall have power and authority, on view or on oath of one credible witness, (which oath the said officer or person holding such Election is hereby empowered to administer,) forthwith to order such person into custody, or to commit him to prison, should such officer deem it expedient, by Warrant in writing, directed to the Sheriff or his Deputy, or to any Constable within the City, or to the Keeper of the Gaol of the City; which Warrant such Sheriff, Deputy Sheriff, Constable or Gaoler shall and may, and he is hereby required forthwith to obey, under a penalty not exceeding ten pounds current money of this Province for disobedience thereto; provided that such restraint or imprisonment shall not continue more than forty eight hours after the adjournment or dissolution of such meeting; and provided also, that the person or persons so guilty of such disorderly or riotous conduct, or of disturbing or interrupting the Poll in any way or manner whatever, as hereinbefore specified, shall be liable, notwithstanding such restraint and imprisonment, to be otherwise prosecuted and punished, as if no such arrest had been made.

XXXII. And be it enacted, That the Mayor, Councillors and Assessors, before entering upon the duties of their offices respectively, shall file with the City Clerk the assessment receipts given to them severally by the City Treasurer or Collector of Rates, as hereinbefore provided; and shall also severally be sworn, or in case of Quakers, shall make affirmation, by taking and subscribing the oath of office as hereinafter prescribed; and such oath or affirmation shall be administered to the Mayor by the Lieutenant Governor in the presence of two Members of the City Council, or in his absence, by a Judge of the Supreme Court, or by the Secretary of the Province; and the said oaths or affirmations shall be administered to the Councillors and Assessors by the Mayor in Council, being himself first qualified as aforesaid; and a certificate that such oaths or affirmations have been duly made or taken shall be entered by the City Clerk in the Minutes of the City Council.

XXXIII. And be it enacted, That the oath of office to be taken as aforesaid by the Mayor, Councillors and Assessors respectively, shall be in the following words, that is to say, —

'I, A. B., do solemnly swear [or affirm, as the case may be,] that I am qualified as by Law required for the office of _____, to which I have now been elected; that I am a British subject, of the full age of twenty one years; that I am yet seized and possessed of the property for which I was assessed in the assessment last made in this City, or of property equal in value to the amount then assessed against me, or to the value of at least two hundred and fifty pounds currency: And I do swear [or affirm] that I will diligently, faithfully, and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of _____ while I hold the same.—SO HELP ME GOD.'

And the title of the office held by the person so sworn or affirmed shall be filled in the several blanks in the aforesaid form.

XXXIV. And be it enacted, That if at any Election, any person shall be elected as Councillor for more than one Ward of the said City, he shall within three days after receiving notice thereof make his option and declare for which he shall serve, or in his default the Mayor for the time being shall declare for which one of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward only and in no other, and another Election shall thereupon be held in the Ward or Wards for which such person shall not have elected, or not have been declared elected to serve, as in other cases of extraordinary vacancies.

XXXV. And be it enacted, That at the annual Elections to be held under this Act, all the Officers whose term shall then expire shall be eligible for immediate re-election, if duly qualified in other respects.

XXXVI. And be it enacted, That the Councillors and Assessors to be elected under this Act, shall severally go out of office on the day hereinbefore prescribed for holding the annual Elections.

XXXVII. And be it enacted, That there shall be in each year four quarterly meetings of the said City Council, which shall be held on such days in each and every year as shall be provided by any bye law in that behalf.

XXXIII. And be it enacted, That it shall be lawful for the Mayor of the said City to call a special meeting of the said Council, when and so often as he may deem proper, or upon requisition presented to him for that purpose, signed by any three members of the said Council, and in case of the death, disqualification or absence of the Mayor, or if he shall neglect or refuse to call a meeting upon such requisition as aforesaid, it shall be lawful for any three members of the said Council to call such special meeting by a notice in writing addressed to each member of the said Council, and signed by the Councillors who may call such meeting.

XXXIX. And be it enacted, That notice in writing of all special meetings of the Council as aforesaid, whether called by the Mayor or by three or more Councillors as hereinbefore provided, shall be left at the usual place of abode of every member of the said Council, three days at least before the day appointed for such meeting; which notice shall be deemed a summons to attend such meeting, and shall specify the business to be transacted at such meeting; and in all cases of

meetings called by the Mayor, such notice shall be issued by the City Clerk; provided nevertheless, that if all the members of the City Council be present at any such special meeting, the Council shall then be competent to deal with any matter of business, whether mentioned in such notice or not.

XL. And be it enacted, That in all special meetings of the City Council to be held under this Act, six members with the Mayor or Chairman shall constitute a Court for the purpose or purposes for which they had been convened as aforesaid, and a majority of the members present shall determine the questions and matters submitted for consideration; and in all general meetings six members with the Mayor or Chairman, as hereinbefore mentioned, shall in all cases be competent for the despatch of business; and it shall be the duty of the City Clerk at all meetings to keep a minute of the proceedings, in which he shall enter the names of the members who shall be present at the opening or during the continuance of such meeting, and the persons whose names have been so entered shall be deemed and taken to be to all intents and purposes present at such meeting until the same shall be formally adjourned or dissolved by the presiding officer; and the rules, orders, regulations, enactments and decisions of such meeting shall not be deemed illegal or contrary to the true intent and meaning of this Act, notwithstanding some of the members shall withdraw therefrom previous to such adjournment or dissolution.

XLI. And be it enacted, That at all meetings of the City Council, the Mayor of the City, if he be present, shall preside, and in case of his absence the Councillors present shall choose one of their own number to act as Chairman and preside at such meeting; and the Mayor or Chairman so presiding shall not vote, except in case of equal votes, upon any question, and he shall then have a casting vote, and all meetings of the City Council shall be held with open doors.

XLII. And be it enacted. That the minutes of proceedings of all meetings of the said City Council to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose by the City Clerk, and shall be signed by the Mayor or Chairman presiding at such meeting; and the said Minute Book shall be open, on payment of a fee of one shilling, to the inspection of all persons qualified to vote at the Election of Councillors.

XLIII. And be it enacted, That if any candidate or duly qualified elector be dissatisfied with the decision of the officer or person holding any Election under this Act, in any case relating to the return of a Mayor, Councillor or Assessor, such candidate or elector shall, within ten days next after the day of such Election, make application in writing through the City Clerk to the City Council, setting forth the cause of complaint, and demanding an investigation thereon; and the said City Council are hereby authorized and required to assemble, and examine and determine the matter of such complaint without delay; but the Mayor or Councillor whose return or seat is in dispute shall not vote on the examination of such complaint; and if it shall appear to the City Council, by satisfactory evidence on complaint as aforesaid, that any person has been returned, and is serving as Mayor, Councillor or Assessor contrary to the provision of this Act, the said City Council shall declare his Election to be void, and shall direct a new Election to be held to supply his place, as in the case of other extraordinary vacancies.

XLIV. And be it enacted, That it shall be lawful for the said City Council to appoint from and out of the members composing such Council such and so many Committees, and consisting of such number of persons as they may think fit, for the better transaction of the business before such Council, and for the discharge of such duties as by the said Council may be prescribed, but subject in all things to the approval, authority and control of the said Council; and in all questions coming before any of such Committees, a majority of the members present shall determine such questions, provided that a majority of the persons composing such Committee be present

XLV. And be it enacted, That if at any meeting of the said City Council to be held under this Act, any member of the City Council shall be guilty of grossly violent or improper conduct, or shall make use of language indecent or profane, or insulting to the presiding officer, or to any member of the Council present at the meeting, the City Council, if seven members in all, or more, besides the offender, be then present, and concur in the sentence, may expel such offending Councillor from the City Council, or another meeting may be specially summoned to adjudicate upon the subject, the time and object of such meeting being previously notified in writing to every member, or be left at his usual place of abode, as in the case of other special meetings, and if eight members at least, including the offender, be present at such special meeting, the Council so assembled shall have power, after due trial and proof of the offence, (in such manner as may be determined at such meeting,) to punish the offender by reprimand, fine or expulsion, as any seven of the members then present shall think fit; provided that in the case of expulsion, the person so expelled shall forthwith cease to be a member of the City Council, and forfeit all rights, powers and privileges enjoyed by him as such, and the Mayor shall immediately order a new Election to supply the vacancy occasioned by such expulsion as in the case of other extraordinary vacancies; and provided also, that in case a fine shall be imposed, the same shall in no case be more than five pounds, to be recovered with costs, in the name of the City Treasurer, who is hereby authorized and required to sue for the same before any competent Court in a Summary manner, in which a certificate under the hand of the City Clerk shall be conclusive evidence of the defendant's liability, which certificate the said City Clerk is hereby authorized and required to furnish without fee or reward.

XLVI. And be it enacted, That any meeting of the City Council to be held under this Act may be adjourned from day to day for three days in the whole, and no longer.

XLVII. And be it enacted, That at the first meeting of the City Council after every annual Election, or at any subsequent meeting the said City Council, if they see fit, may nominate and appoint from time to time out of respectable citizens of the said City, a City Clerk, who shall also be the law adviser of the City Council, (and whose duties and responsibilities in relation to the said City and to all the officers to be appointed within the same, and to every of them, shall in all respects be the same as the duties and responsibilities of the Clerk of the Peace of any County in this Province,) an Auditor, a City Treasurer, a City Marshal, a Clerk of the Market, and so many Constables, Surveyors of Roads, Collectors of Rates, Pound Keepers, Harbour Master or Wharfinger, according to the true intent and meaning of this Act or any bye law; and to define the duties of such officers, and their respective terms of office, which, except in the cases of the City Clerk and Treasurer, shall not be longer than one year, unless they be re-appointed; and the City Council may also remove or

displace any of the said officers, and appoint others in their stead, and to impose penalties for the non-performance of duties, or other misdoings of such officers, and to cause such penalties to be levied and recovered by distress or otherwise, as such Council may direct, and shall grant and allow in any year, by stated salary or otherwise, to the City Clerk and other officers so to be appointed as aforesaid, such allowance or other compensation for their services as the said City Council may think fit; provided that no person shall be capable of acting in any office to which he may be appointed by the City Council until he shall have been sworn, or have affirmed (if a Quaker) before the Mayor of the City, that he will diligently, faithfully and impartially, and to the best of his ability, discharge the several duties appertaining to the office to which he has been appointed, so long as he shall hold the same.

XLVIII. And be it enacted, That no person shall be capable of acting as City Clerk, Wharfinger, Collector of Rates, or in any other office or capacity accountable for the City Revenues, or any part thereof, until he shall have entered into a bond to the City of Fredericton, with two sufficient sureties, to be approved by the City Council, in such form and for such penal sums as the Mayor shall approve, or any bye law prescribe, conditioned to account for and pay over to the City Treasurer all moneys received by him on behalf of the said City; and provided also, that the City Treasurer, before entering upon the duties of his office, shall enter into a bond to the City of Fredericton, with two or more sureties, to be approved by the City Council, in the sum of five hundred pounds, conditioned for the faithful performance of the duties of his office.

XLVIII. And be it enacted, That the Treasurer of the said City shall receive all rates, taxes, assessments, fines, penalties, imposts, or other moneys payable by the inhabitants of the said City, or received for and on account of the revenues of the said City under and by virtue of this Act, or of any bye laws to be made by the City Council by the authority of the same.

XLIX. And be it enacted, That the said City Treasurer shall not pay out any moneys as such Treasurer otherwise than upon an order in writing of the Council of the said City, to be signed by the Mayor, or in his absence, by the Councillor presiding at any meeting of the Council when such moneys were ordered to be paid, and countersigned by the City Clerk or City Auditor.

L. And be it enacted, That it shall be the duty of the City Council to publish in one or more of the Newspapers published in the City, one month before the annual Election of Mayor and Councillors in each year, for the information of the citizens, a full and detailed statement of the receipts and expenditure of the Corporation during the past year; and in every such statement the different sources of revenue, and the amount received from each; the several appropriations made by the Council, the objects for which the same were made, and the amount of moneys expended under each; the moneys 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; together with the amounts of all assessments ordered and made, the several purposes of such assessments, the amount actually received under such assessments, and a detailed account of the application thereof; and that such statements and accounts shall be made up to the thirty first day of December preceding such publication in each year, signed by the Mayor and Auditor of the City for the time being.

LI. And be it enacted, That all Boards, Commissioners and Officers appointed to act under the authority of the said City Council, and entrusted with the collection or expenditure of any moneys belonging to the said Corporation, shall be accountable therefor to the said City Council, in such manner as may be ordained and directed by the bye laws and ordinances of the said City Council; and the, books of accounts of the said Corporation, shewing the amounts, particulars, state and circumstances, and also the receipt and expenditure of the property, funds, taxes and effects, and fees belonging and accruing or payable to the said Corporation, or any of its officers, and a full and particular account of the same shall be deposited and kept in the Office of the City Clerk, and shall be there exhibited for the inspection and examination of every elector of the City who may, within the usual office hours on any business day, apply to inspect and see the same, on payment of one shilling for every such inspection or search.

LII. And be it enacted, That the said City Council, in addition to the general powers of making bye laws for the good government of the said City, and the other powers incident thereto, specially conferred in and by the provisions of this Act, shall, in the manner hereinafter mentioned, have the sole power and authority from time to time to make, ordain, enact, revise, alter and amend such laws as they may deem proper for the several purposes following, within the said City, that is to say:—

1st For regulating weights and measures in the Public Markets and all other places within the said City, according to the lawful standard, and to authorize the seizure and destruction of such as are not according to the standard, and to impose fines or penalties on the owner of or person using such defective or fraudulent weights or measures, beams, scales or other devices for weighing:

2nd. To regulate and manage the Market or Markets, and to establish and regulate Market Days and Fairs:

3rd. To regulate the manner of selling, weighing and measuring butcher's meat, fish, vegetables, grain, hay, straw and fodder, and to grant licences for the due weighing and admeasurement thereof:

4th. To restrain and regulate the purchase and manner of selling of vegetables, fruit, country produce, poultry, and all other articles and things, or of animals openly exposed for sale or marketed:

5th. To restrain and regulate the purchase of such things by hucksters and runners living within the City less than one mile from the outer limits thereof:

6th. To regulate the measurement of coal, lime, salt, grain, boards, cordwood and other fuel, clapboards, shingles, laths and other lumber, and to impose penalties for light weight or short count or measurement in any thing marketed:

7th. To regulate all vehicles, vessels and other things in which any thing may be exposed for sale or marketed in any street or public place, and to seize and destroy all tainted and unwholesome meat, poultry, fish or other articles of food, and to impose and recover such reasonable penalties as may be deemed proper, upon the person or persons exposing for sale such tainted or unwholesome articles within the said City:

8th. To regulate the assize of bread, and provide for the seizure of bread baked contrary thereto, and to impose penalties upon the person so baking contrary to the provisions of any bye laws to be made in that behalf:

9th. To regulate the anchorage, lading and unloading of vessels and other craft arriving at the said City:

10th. To regulate and provide for the erection, management and rent of wharves, piers, quays, landings and docks in the said City, and the toll to be paid for vessels and steam boats touching thereat or using the same, and to prevent the filling up or encumbering the River Saint John within the said City, or impeding the free navigation thereof, and to regulate and establish ferries within the limits of or belonging to the said City:

11th. To regulate carters, wagoners and cartmen; the price to be paid to them for hauling loads in the said City, and the quantity to comprise a load:

12th. To enforce the due observance of the Sabbath:

13th. To punish vice and immorality and indecency in the streets or other public places within the City:

14th. To preserve peace, health and good order:

15th. To prevent the spreading of infectious or other diseases:

16th. To prevent excessive beating or other cruel and inhuman treatment of animals:

17th. To prevent the sale of any intoxicating drinks to children, apprentices or servants, without the consent of their lawful protectors:

18th. To impose penalties on the keepers of low tippling houses frequented or visited by dissolute and disorderly persons, where spirituous liquors are not sold:

19th. To licence, regulate or prevent billiard tables, bowling alleys, or other places of amusement:

20th. To restrain or suppress gambling houses, and to enter into them and seize and destroy rouge et noir and roulette tables, and other devices for gambling:

21st. To restrain and punish all vagrants, drunkards, mendicants and street beggars:

22nd. To restrain or to regulate the licencing of all exhibitions of natural or artificial curiosities, and all theatres, circuses, or other shows or exhibitions for hire or profit, and for preserving quiet and order thereat:

23rd. To establish and regulate one or more pounds, and the fees to be taken:

24th. To restrain, regulate or prevent the running, at large of horses, cattle, swine, goats, sheep, dogs, geese and poultry, and to impound the same:

25th. To impose a tax on the owners or harbourers of dogs, and to regulate and prevent dogs running at large, and to provide for killing such as are found so running at large contrary to any law or bye law, after public notice given:

26th. To abate and cause to be removed all public nuisances, and all filth or incumbrances in the streets:

27th. To regulate the construction of privy vaults and sinks on private property:

28th. To cause vacant lots in central situations, when they become nuisances, to be properly enclosed at the cost and expense of the owner, and to recover such expenses, with costs, in a summary manner:

29th. To regulate and prevent the erection or continuance of slaughter houses, distilleries, tanneries, and manufactories or trades which may be or be likely to become nuisances:

30th. To prevent the ringing of bells, blowing of horns, shouting, and other unusual noises in the streets and other public places:

31st. To purchase, enclose, plant, lay out and adorn any public square, park or parade, for the use of the City, and to make and ordain rules for the government and preservation thereof, and to impose penalties and punishments by fine or imprisonment, or both, for the violation or non-observance of such rules:

32nd. To prevent the injuring or destroying of trees planted within any of the streets or public grounds of the said City:

33rd. To prevent immoderate driving or riding within the City:

34th. To establish bathing houses, and prevent or regulate bathing in the River Saint John, or any public water in or near the said City:

35th. To regulate and licence owners of livery stables, or other owners of horses or carriages letting out the same for hire or profit, and also porters, butchers and hucksters:

36th. To establish and regulate a Police for the said City, and take Up and arrest, or order to be taken up and arrested, all rogues, stragglers, idle and disorderly persons, and order them to be set to work on the streets, or committed to the work house or common gaol for such term not exceeding ninety days at any one time as shall seem meet:

37th. To provide for the proper keeping and management of any house of refuge, hospital, work house, bridewell, or house of correction, that may be erected or established in the said City, and also to provide for the erection or establishment of any such houses of refuge, hospitals, work houses, bridewells, or houses of correction, as they may deem necessary for the public welfare:

38th. To erect, preserve and regulate public cisterns, reservoirs, and other conveniences for the supply of good and wholesome water, or for the extinguishing of fires, and to make reasonable charges for the use thereof:

39th. To establish, make and regulate public fountains, pumps and wells, and to prevent the waste and fouling of public water:

40th. To prevent or regulate the firing of guns or other fire arms:

41st To prevent or regulate the firing or setting off of squibs, fireballs, crackers, or other fireworks:

42nd. To prevent or regulate the keeping or transporting of gunpowder, or other combustible or dangerous substances:

43rd. To prevent or regulate the use of fire, lights or candles in livery or other stables, and in cabinet makers' and carpenters' shops, and in other places where combustible substances are kept, and to prevent or punish the use of pipes and cigars:

44th. To regulate the carrying on of manufactories or trades dangerous in causing or promoting fires:

45th. To regulate and require the safe keeping of ashes in proper deposits:

46th. To provide for the security, safety and advantage of the inhabitants by such rules and regulations and restrictions as they may deem expedient, to be observed by all persons in the erection of buildings to be built within the populous parts of the said City:

47th. To regulate the construction of any chimney, flue, fire place, stove, oven, boiler, or other apparatus or thing in any house, manufactory or business, which may be dangerous in causing or promoting fires:

48th. To enforce the proper sweeping or cleaning of chimneys:

49th. To regulate the number of fire buckets to be provided by the several inhabitants, and the time and manner in which they shall be so provided; and also to provide for the examination of such buckets, and the use of them at fires:

50th. To regulate the conduct and enforce the assistance of the inhabitants at fires, and for the preservation of property thereat:

51st. To make regulations for the suppressing of fires, and the pulling down or demolishing adjunct houses, and remunerating the owners thereof in certain circumstances:

52nd. To compel the owners or occupiers of houses to have ladders leading to and on the roof of such houses:

53rd. To establish and regulate engine, fire hook, ladder, and property saving Companies, and to provide and afford exemptions and immunities to the officers and members thereof:

54th. To provide for the purchase of such and so many fire engines as they may deem necessary:

55th. To provide for the payment of such premium or reward for early attendance of wagons or other vehicles with water at fires, as to the said City Council may from time to time seem expedient:

56th. To appoint from time to time such and so many persons to be Firewards as the said Council may think proper, and to enact rules and regulations prescribing the duties of such Firewards:

57th. To regulate the management and provide for the security of the public property of every kind belonging to the said City, and to provide for the permanent improvement of the said City in all matters as well ornamental as useful:

58th. To provide for the erection, preservation and security of lamp posts, sign boards, and other fixtures within the City:

59th. To provide for defraying out of the funds of the said City, if it be deemed necessary, the expense of lighting the same or any part thereof with gas, oil, or other substances, and for the performing of any kind of work required for the purpose of supplying the said City with gas, oil, or other substance, and for compelling the proprietors or occupiers of real property to allow such work to be done, and to permit such fixtures as may be necessary to be placed in and about their premises, such work and fixtures to be at the cost and expense of the City; and to provide for the erection of all works connected with such lighting, or that may be necessary to furnish a supply of gas, oil, or other substances, for the inhabitants of the said City;

And generally to make all such laws and ordinances as may be necessary and proper for carrying into execution the powers herein vested, or that may hereafter be vested in the said City Council, or in any officer or department of the same, subject to the limitations with respect to penalties contained and prescribed in and by this Act

LIII. And be it enacted, That the said City Council shall have and they are hereby invested with the sole and exclusive power to open, lay out, regulate, repair, amend and clean the streets, lanes and alleys now existing, or that may hereafter be found necessary within the said City, and of such parts of highways and bye roads (if any) as may be within the limits thereof; and of putting or building drains, sewers, culverts and bridges therein, and to prevent the encumbering of the same in any manner, and to protect the same and every part thereof from encroachment and injury, by such bye laws and ordinances as the said City Council may from time to time enact and establish for the purposes aforesaid; and for making, flagging, planking, macadamizing, paving, raising, repairing, lighting, watching, planting and draining any or any part of the streets, squares, commons, lanes, alleys, walks, side walks, crossings, roads, bridges, wharves, docks, slips and shores, now laid out or erected, or hereafter to be laid out, executed or erected within the limits of the said City; and to regulate or prevent the encumbering, injuring or fouling of the same by any animals, vehicles, vessels, crafts, lumber, building or other materials or things, in any way or manner whatsoever; and to make, ordain and enforce bye laws and regulations for the confiscation, sale, removal or destruction of any such encumbrances or any such nuisance, and to impose penalties on the owners or persons placing the same in such places, and to levy and recover the same by distress and sale of goods, or to award punishment therefor, by the imprisonment of the party offending, as may seem discreet and proper in the respective cases; and to regulate the breaking of the roads and streets of the said City in the winter, and to require the owners of horses, sleds and other teams to assist thereat, and the putting of poles in the ice on the River Saint John in front of the said City; and to provide for erecting, making or repairing any common sewer, drain, flagging, posts, or pavement of stone, deal, plank or other material, in any public street, square or place, and for assessing the proprietors or lessees of such real property as will be immediately benefited by such improvements, and to regulate the time and manner in which such assessment shall be collected and paid; and for directing and causing the removal at any time of any erections, projections or obstructions whatsoever, which may project into or over any public street, square or road, at the expense of the proprietors, or of the occupants of the real property in or near which such erection, projection or obstruction may be found; provided that nothing in this Act contained shall extend or be construed to extend to authorize the opening of any streets, roads or highways through the private property of any person or persons without complying with the provisions of any Act or Acts of this Province for providing for the awarding of damages to any person or persons who may be injured thereby.

LIV. And be it enacted, That it shall be lawful for the said City Council, at any meeting or meetings to be held as hereinbefore provided, to direct the raising, assessing, levying, collecting and applying such moneys as may be required for the execution of the powers with which the said City Council is hereby invested, and for maintaining a good and efficient system of Police, in such manner as may by any bye law of the said Council be provided, either by imposing tolls and rates to be paid in respect of any public works, or in respect of any other matter or thing within the said

City, or by means of any rate or assessment to be assessed or levied on real or personal property, or both, within the City, or upon the owners or occupiers thereof in respect of such property, or upon the income of the inhabitants of the said City derived from any trade, profession or calling within the Province, or upon the poll of the inhabitants, or upon the sale of goods by public auction within the said City, or upon the capital stock or other trading capital of any Bank, Banking Company, Insurance or other trading or joint stock Company or Corporation, or upon the agencies of Foreign Companies, being Companies whose principal place of business is not within this Province; provided that not more money in the whole than five hundred pounds shall in any one year be assessed or levied, or be collected and raised from the said City, whether by rents of property or otherwise, in any way or manner whatever, by authority of the said City Council, over and above such amount as may be necessary for the relief of the poor, the support of the fire department, lighting the City, and making and repairing the streets and roads; and provided also, that it shall be lawful for the said City Council, and they are hereby required to exempt from the payment of rates for the support of the fire department, lighting the City, or for any other object of a purely local nature, the inhabitants of that part of the said City lying below the lower line of land now owned and occupied by William Payne, and its southwesterly prolongation; and in rear of the line dividing the third and fourth ranges of Pasture Lots, and its prolongation southeasterly, to intersect the line first mentioned, and northwesterly to the lower line of the Parish of Kingsclear; and provided also, that the City Council may at their discretion remit so much of the rates imposed upon mills and other manufacturing establishments within the said City as they shall deem just and reasonable.

LV. And be it enacted, That immediately after the annual Election of Assessors as hereinbefore provided, and after they have been sworn into office, the said Assessors shall give public notice of their appointment in one or more of the public Newspapers printed within the said City; and any inhabitant or person owning property in the said City, may at any time within forty days after the date of such notice, give in to the said Assessors, or any one of them, a statement of his property and income, in the manner prescribed by the Act relating to the government of Counties, Towns and Parishes; and the Assessors, if such statement be attested before a Justice of the Peace, or the Mayor, who are severally hereby authorized to administer such oath, shall estimate or assess the property and income of such person at the amount mentioned in such statement, and no more; and the Assessors, at the expiration of forty days as aforesaid, shall proceed to assess or appraise the real and personal estate of the several inhabitants of the City, and of non-residents having property therein, and the income of the said inhabitants derived from any trade, profession or calling within the Province, (but not from real or personal property,) and shall file with the City Clerk a Roll or List of such assessment, to be prepared in such form as the City Council may determine.

LVI. And be it enacted, That whenever the said City Council may order any sum of money to be raised by rates or assessment upon the City as aforesaid, they may appoint one or more of the Assessors then in office to make the apportionment of such rates according to the List so filed by the Assessors with the City Clerk.

LVII. And be it enacted, That the said City Council, by any bye law to be made for that purpose, shall have power to regulate the time and manner of collecting the rates upon any assessment within the said City, and to allow a reasonable discount for the prompt payment of such rates before the list or book shall be placed in the hands of the Collector, and to establish a summary method for recovering the rates due from defaulters residing within the City, by Writ in the nature of a *levari facias*, in the manner used for recovering fines from Jurors for non-attendance; provided that no such process shall issue for the recovery of rates due by any person, rated and residing within the said City, until at least ten days after a printed or written notice shall have been delivered to such person, or left at his dwelling house or last known place of abode, either with his wife or some adult member of his family, if any such can be found; which notice shall contain a statement shewing the several amounts assessed or rated against such person, and the time at which the same is to be paid, nor until the default shall be made to appear by the affidavit of the collector or other satisfactory testimony.

LVIII. And be it enacted, That if any person residing within the said City, and rated therein, shall not have any property whereon to distrain for the rates due and not paid by him, it shall be lawful for the Mayor, by Warrant under his hand and seal, to cause such person to be committed to the common gaol until the said rates be satisfied; provided however, that no person who may be so committed to gaol for default in the payment of rates, shall be detained more than one day for every two shillings of the amount assessed, and of the costs directed to be levied, nor more than fifty days in the whole, if the amount exceed five pounds; and every person so committed shall be entitled to his discharge at the expiration of such time, but the execution or process shall remain in full force and effect as against the property of such person for the space of two years from the date thereof; and provided always, that no person under arrest for non-payment of rates as aforesaid, shall be deemed entitled to the benefit of the gaol limits.

LIX. And be it enacted, That when any person assessed as a non-resident shall have a known agent in the said City, the notice hereinbefore provided to be delivered to residents, shall be delivered to such agent, in respect of the rates assessed against his principal; and if such non-resident shall not have any known agent in the City, the City Clerk shall cause a list to be published in the Royal Gazette, containing the names of all such non-residents, (who have no known agents,) and the amounts due from them respectively, and such publication shall be continued for three months, excepting the names of those who may sooner pay the amounts due from each of them, with their respective proportions of the expenses.

LX. And be it enacted, That the Collector, at the end of such three months publication, or delivery of the notice to an agent as aforesaid, shall make application to the Mayor, under oath, setting forth the assessment and default; and the said Mayor is hereby authorized, by warrant under his hand and seal, to direct the Sheriff or a Coroner of the County of York, to sell at public auction to the highest bidder, (first giving thirty days notice of such sale in the Royal Gazette,) so much of the real estate of the person named in such warrant, as in his judgment may be sufficient to pay such assessment, with all the costs and charges attending the recovery thereof, retaining the overplus (if any) for the use of the owner; and the said Sheriff or Coroner is hereby authorized and directed

to make such sale, and to execute a deed to the purchaser of such property, his heirs and assigns, and to deliver seizin and possession thereof to such purchaser.

LXII. And be it enacted, That any person believing himself over-assessed, or otherwise aggrieved by any assessment made in the said City, or the agent of any non-resident assessed as aforesaid, may appeal to the City Council at any time within twenty days after notice as hereinbefore provided shall have been delivered to him, or left at his last known place of residence; and the City Council shall have power to give such relief as they shall deem just and equitable, by adding the name of such person to the assessment list, or in case of over-assessment, by either ordering a deduction to be made from the amount of rates then assessed against him, or by an order that the assessors in the next succeeding year shall make the said deduction from the amount which otherwise would be assessed against the appellant in such succeeding year; and in the latter case the amount so to be deducted shall be entered in the assessment roll as a deduction for overcharge in the previous year.

LXI. And be it enacted, That any rate or assessment with which any lands, tenements or hereditaments within the said City may be legally rated or assessed, may be exacted and recovered either from the owner of the property so rated or assessed, or from any person occupying the same, or any part thereof, as a tenant or otherwise; and when any such rate or assessment shall be paid by any tenant not liable to make such payment by the terms of the lease or other agreement under which he holds or occupies such property, such tenant may deduct or set off the sum so paid by him from the rent payable by him in respect of the enjoyment or occupation of the property so rated and assessed, or may recover the same, with costs, from the said owner, by action in any competent Court.

LXII. And be it enacted, That all debts that from and after the passing of this Act shall become due and payable to the said Corporation, for or by reason of any rate or assessment assessed or imposed upon any real or personal property, or both, within the said City, or upon the owners or occupiers thereof in respect of such property, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to the Crown, and shall, in the distribution of the proceeds of property, whether personal or real, of any person liable to pay any such debt, be so held, considered and adjudged in all Courts of Law or Equity, and all Surrogate Courts, and by all Commissioners or other persons having jurisdiction in Bankruptcy in this Province; provided always, that such preference shall not extend beyond the amount of the rate and assessment due for two years, that is to say, the amount due for the then current year and the year next preceding the same.

LXIII. And be it enacted, That if in any assessment as aforesaid it shall happen that property belonging to one person shall be assessed against another person, or if the name of any person liable to be assessed shall have been omitted in the assessment list, or if any error shall occur in the addition, extension or apportionment of any part of the said list, it shall be lawful for the said assessors to correct such errors and supply such omissions at any time before another assessment is made for a similar purpose.

LXIV. And be it enacted, That no assessment or rating shall be deemed illegal, although the sum total of such assessment may exceed the amount ordered to be raised, if such excess do not amount to more than ten per cent, in the whole.

LXV. And be it enacted, That from and after the passing of this Act, all the powers vested in the Court of General Sessions for the County of York in and by the several Acts of the General Assembly of this Province for regulating Tavern Keepers and Retailers, shall be transferred to and vested in the said City Council, so far as such laws may be applicable to the City of Fredericton; and the Mayor and each several Councillor for the time being of the said City, shall have full power and authority to do any act or thing in respect of the said Acts within the said City, which are in the said Acts directed or permitted to be done by a Justice of the Peace; provided that all penalties or fines imposed and recovered within the City, for violation of the said laws, and all moneys exacted for granting licence to Tavern Keepers or Retailers, (which shall not in any one case exceed the sum of fifteen pounds for twelve mouths,) shall be paid to the City Treasurer for the use of the said City; and provided also, that no General or Special Sessions for the County of York shall have power to grant any Tavern, Retail or other Licence, or to make any rules or regulations respecting the same, to be in force within the said City.

LXVI. And be it enacted, That nothing in this Act contained shall be construed to authorize the City Council of the said City to interfere with the arrival or departure, or the lading or unlading, or mooring of vessels, boats or other craft, except ferry boats, or with the landing of wood, timber or other lumber on the northeastern shore of the River Saint John, or within five hundred feet from the line of low water mark thereon, or to impose any restriction thereon; provided that nothing herein contained shall in any way impair or diminish the municipal rights of the said City within the limits thereof.

LXVII. And be it enacted, That all the rights, powers and authority which at any time were vested in the Justices of the County of York by an Act made and passed in the ninth year of the Reign of Her present Majesty, in respect of certain lands within the said City which were exchanged with the Ordnance Department, and by another Act passed in the tenth year of the same Reign, in respect of the same lands, shall be and they are hereby transferred to the said City Council, who shall have, enjoy and use the same in as full and ample manner as could be done by the said Justices if this Act had not been passed; and all leases or other agreements, in respect of such lands, made by the said Justices, shall be deemed to be made by and with the authority of the said City Council, without any assignment thereof or attornment to the said City Council.

LXVIII. And be it enacted, That all lands within the City which have not heretofore been granted by Her Majesty or Her Royal Predecessors to any person or body corporate, or reserved by the Crown for any special purpose, are hereby vested in the said Corporation of the City of Fredericton, in as full and ample manner as if the same had been conveyed by Grant from Her Majesty, but no prescriptive appropriation, or user, or reputed user, of any tract of land within the City by the inhabitants for a road shall be affected by this Act.

LIX. And be it enacted, That the Justices of York in General Sessions and the City Council, shall annually agree upon the amount to be paid by the said City towards the expense of administering justice in the said County, which for the said City shall not exceed the proportion that the population of the City bears to that of the County, and the City Treasurer shall pay over to the Treasurer of the County of York the amount that may be so determined as aforesaid.

LXX. And be it enacted, That in any action or other proceeding at law or equity, or otherwise, in which the said City shall be a party or concerned, no citizen or officer of the said Corporation shall in consequence thereof be deemed an incompetent witness or juror, but the objection shall go to the credit only of such person as a witness.

LXXI. And be it enacted, That the Grand Jury for the County of York shall also be deemed the Grand Jury or Inquest of the City, and shall have the full powers vested by law in Grand Juries, except in the inspection of accounts, the approval of assessments, salaries and fees, and in the regulation of the fiscal affairs of the said City.

LXXII. And be it enacted, That in all matters of a criminal nature the jurisdiction of the Court of General Sessions or any Special Sessions of the Peace, and of Justices of the Peace, and of the Grand Jury as Grand Inquest of the County, shall continue in full force within the said City as if this Act had not passed, except in cases where by this Act, or by any bye law to be enacted by authority thereof, the cognizance of such criminal matters has been vested in the said Corporation, or in some of its officers; and the said General or Special Sessions, Justices or Jurors, shall have no power to interfere directly or indirectly with any of the fiscal, prudential or municipal affairs of the said City.

LXXIII. And be it enacted, That the Mayor of the said City, during his continuance in office, shall be and be deemed, within the limits of the said City, a Justice of the Peace in and for the County of York, and shall have, use and exercise the same and the like powers and authority within the said City, as if he had been nominated and commissioned a Justice of the Peace; provided always, that his authority as such Justice shall not extend beyond the limits of the said City.

LXXIV. And be it enacted, That the several Councillors of the said City, while in office as such, shall also be and be deemed Justices of the Peace in the same manner and to the same extent as is provided in the case of the Mayor.

LXXV. And be it enacted, That the Mayor for the time being of the said City, shall also be and be deemed a Justice of the Inferior Court of Common Pleas in and for the County of York, and shall have and use all the powers and privileges incident to such office.

LXXVI. And be it enacted, That the City Council may order such amount of salary (not exceeding fifty pounds per annum) as they may see fit, to be paid to the Mayor; and all fees or costs accruing from the performance of his duties, except the fees to be received by him as a Justice of the Common Pleas, shall be paid to the City Treasurer for the use of the said City.

LXXVII. And be it enacted, That the High Sheriff, and the Register of Deeds and Wills for the County of York, and such and so many of the Coroners of the said County as shall be resident in Fredericton, shall be respectively High Sheriff, Register of Deeds and Wills, and Coroner or Coroners in and for the said City; and the Common Gaol of the County of York shall be deemed and taken to be the Common Gaol of the said City.

LXXVIII. And be it enacted, That for the purposes of assessments within the said City, the President or other Chief Officer, or the Cashier, Agent or Manager of any Company or Corporation, shall be deemed and taken to be and assessed as the owner of its capital stock; provided always, that such assessment shall be made separate and distinct from the proper assessment of such President, Chief Officer, Cashier, Agent, or Manager; and the name, style or firm of any copartnership in trade or business shall be entered in the assessment roll as assessed for the property or income of such copartnership, and the assessed amount may be recovered from and levied upon any member of such copartnership; and in case of mortgaged property, the party in possession shall be deemed the owner for the purposes of assessment; and the form of the assessment roll, and the construction of the terms "real estate" and "personal estate," shall in all respects be the same as prescribed in an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled An Act to consolidate and amend the Lam relating to the local government of Counties, Towns and Parishes in this Province.

LXXIX. And be it enacted, That all fines, penalties or forfeitures to be recovered by the provisions of this Act, or by any of them, or by virtue of any bye law to be made and enacted under the authority hereof, shall and may be sued for, recovered and enforced on the oath of one or more credible witness or witnesses, before the Mayor of the said City and any one of the City Councillors, and in case of the sickness or absence of the said Mayor from the said City, before any two of the said Councillors, who are hereby authorized and empowered to be, and are hereby constituted a Court for the trial of all complaints, suits, prosecutions or controversies arising under this Act, or the said bye laws or any of them, within the limits of the said City, and to which any fine, penalty or forfeiture is or shall be attached by virtue of this Act or of any such bye law; and such fine, penalty or forfeiture may be levied and recovered by Warrant of distress of the offender's goods and chattels, under the hands and seals of the said Mayor and City Councillor; and in default of payment of such fine, penalty or forfeiture, or for want of sufficient goods and chattels of the offender whereon to levy such fine, penalty or forfeiture, together with costs and the charges of distraining and selling the same, to commit the offender or offenders to the common gaol or house of correction for such period not exceeding six months, as the said Mayor and City Councillor shall direct; and all such complaints, suits, prosecutions or controversies shall be prosecuted by Summons or Warrant, in the discretion of the said Mayor and City Councillor, in the name of the City Treasurer, or any one of the Councillors not engaged in the suit and trial of the cause, and the proceedings shall be viva voce, and conducted in a summary way, and regulated by the provisions of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, within this Province, with respect to summary convictions and orders, so far as the same are applicable to and not altered by the provisions of this Act; and judgment shall be

given as the very right of the matter may appear, without regarding technical objections, imperfections or defects which do not affect the substantial justice of the case.

LXXX. And whereas by reason of the assessment upon the inhabitants of the said City for the year of our Lord one thousand eight hundred and fifty having been made and ordered but a short time before the passing of this Act, it may so happen that the whole amount thereof may not have been paid in and satisfied, by the time at which the first Elections of Mayor and Councillors and Assessors are directed to be held in and by the thirteenth and fourteenth sections of this Act, whereby many persons, without having made default, might be deemed and taken to be disqualified from voting, or from being candidates at the said Elections; for prevention whereof; Be it enacted, That for the purposes of the said first Elections only, the payment of the rates assessed for the year of our Lord one thousand eight hundred and forty nine shall in all cases be deemed to be such a payment of taxes as shall be sufficient to constitute the qualification of voters or candidates under the provisions of the sixth and seventh sections of this Act, in so far only nevertheless as the payment of taxes is enacted and declared to be a part of such qualification, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

LXXXI. And be it enacted, That in the construction of this Act, the words 'Lieutenant Governor' shall be understood also to mean the person administering the Government of this Province for the time being; any thing directed to be done or received by the City Clerk, shall be understood to be done or received legally when done or received by such person as may be appointed to act as such for the time being; the masculine gender, when used or occurring in this Act, shall be held also to include the feminine gender; and the plural number shall be held also to include the singular number, except where such construction might imply a legal or evident contradiction; and all the provisions of this Act shall, if necessary, be so construed together as best to render them operative and effectual for the purposes intended.