

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1852. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1852.

15 Victoria – Chapter 38 (1851)

An Act to provide for the establishment of Municipal Authorities in this Province. Passed 30th April 1851.

Whereas for the better protection and management of the local interests of Her Majesty's subjects, it is Expedient that Municipal Authorities be established in this Province;

1. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:---

If it be desired that any County shall be incorporated under the provisions of this Act, the same shall be signified to the Lieutenant Governor in Council in the manner following:---

At least fifty of the resident freeholders and householders of the County paying rates upon property, shall by petition to the Sheriff, pray that a public meeting be called at the County Courthouse for the purpose of taking into consideration the propriety of incorporating the County:

The Sheriff shall thereupon give at least three months public notice of the day and hour at which such public meeting shall be held; the notice shall contain a copy of the petition and the names of the signers; it shall be published at least in eight weekly numbers of a newspaper printed and circulating in the County, if any, and also shall be published by printed handbills in at least ten of the most public places in each Parish:

At the meeting the Sheriff shall preside; if not less than one hundred householders and rate payers upon property are present, it shall be put to vote whether the County shall or shall not be incorporated under this Act, and if two thirds of those who vote on the question at such meeting, being householders and rate payers upon property, shall decide in the affirmative, the Sheriff shall certify the same under his hand and seal to the Lieutenant Governor in Council:

If it be decided that the County shall not be incorporated, the Sheriff shall thereupon dissolve the meeting; but another meeting may be called at any time after six months from the preceding meeting, on the like petition, and similar notice for taking the question again into consideration as in the preceding provision.

2. On receiving the certificate before mentioned from the Sheriff of any County, the Lieutenant Governor in Council may, and is hereby required to grant to such County a Charter of Incorporation, under the Great Seal of the Province, constituting the rate payers upon property of such County a Body Politic and Corporate, by the name of "The Municipality of _____," [naming the County as the case may be,] and by that name the Corporation shall have perpetual succession and a common seal, and may sue and be sued, and shall have power to take and hold

within the limits of the Municipality real property not exceeding in amount at any one time the yearly value of five hundred pounds currency, and may alienate the same; and may enjoy and exercise all other corporate powers and privileges necessary for carrying out and effecting the purposes and intention of this Act.

3. In each County incorporated under this Act there shall be a County Council, consisting of a Warden and Councillors, to be elected as hereinafter provided; every member of such County Council must be an inhabitant of the County, seized and possessed at the time of his election of real estate within the limits thereof of the value of not less than one hundred and fifty pounds currency, over and above all incumbrances.
4. When any County is incorporated under this Act, the Collectors of Rates in each Parish shall at least ten days previous to the day hereinafter appointed for the election of Councillors, and so annually thereafter from year to year, furnish the Town Clerk with correct lists, certified under their hands, of all the rate payers upon property within such Parish, who were rated for Parish and County Rates at the last assessment, and who have paid the same at the date of making out such list; which lists shall be furnished by the said Town Clerks respectively to the Chairman elected to preside at the meeting, as provided for in the sixth section of this Act; if any Rate Collector fails to furnish such certified list to the Town Clerk by or within the time limited therefor, he shall be deemed guilty of a misdemeanor, and on conviction thereof before two Justices of the Peace, shall be committed to the County gaol, there to remain without bail or mainprize until such lists be furnished.
5. Every Parish shall be entitled to elect two Councillors, and no Parish shall elect more than two.
6. Within three months after the granting of any County Charter in the year one thousand eight hundred and fifty one, and on the first Monday in July in every year thereafter, the electors in every incorporated County shall proceed to the election of Councillors; and it shall be the duty of each Town Clerk to give twenty days public notice in writing of the time and place of holding such election, and post the same in three of the most public places in the Parish; and the electors present shall proceed to elect a Chairman, who shall preside at the election in the same.
7. If at any election for Councillors a poll is demanded by a candidate or any three electors then present, the same shall be granted by the presiding officer:
The meeting shall begin at nine o'clock in the morning, and the poll be kept open until the hour of five in the afternoon, and no later:

The votes shall be taken by ballot, each elector putting in the ballot box a slip of paper with the names of the two candidates for whom he votes written or printed thereon; at the hour of, closing the poll the presiding officer shall, in the presence of one elector, to be chosen by each candidate and sworn as tellers, and in the presence of the electors who may choose to remain, open the ballot box, and taking out each ballot separately, read aloud the names written thereon, so as to be taken down by each teller; and when the whole of the ballots shall be so read aloud and taken down; the presiding officer shall declare the two candidates elected who have the majority of

votes, and shall also declare aloud the number of votes polled for each candidate, and in case any two candidates shall have an equal number of votes, the presiding officer is required to give a casting vote for one of such candidates, and so determine the election:

The presiding officer within two days after the closing of the election, under the penalty of twenty shillings for each day's delay thereafter, shall make return in writing of the Councillors elected at the first election to the Sheriff of the County, and at any subsequent election, to the Secretary Treasurer of the Council, to whom he shall deliver a list of the number of votes given for each candidate, and such list shall be open for the inspection of every member of the Corporation who shall apply for the same.

8. Before the presiding officer shall allow any votes to be polled, he shall take the oath No. 1 in the Schedule annexed, before some Justice of the Peace for the County in which the election is held; which oath such Justice is hereby empowered and required to administer, and the Justice shall certify such oath in the poll book for the election.

9. The presiding officer, if he see fit, or if required by a candidate, may administer to any person claiming a vote the oath No. 2 in the Schedule annexed; and no other proof of qualification shall then be required of such person.

10. No person shall vote at the election of Councillors unless of the male sex of the full age of twenty one years, and a subject of Her Majesty by birth or naturalization, nor unless he shall be a rate payer on property in the Parish, and shall have been assessed for and paid his rates and taxes up to the time of such election, nor unless his name shall so appear on the list furnished to the Town Clerk by the Collector of Rates for the Parish under the provisions of the fourth section of this Act.

11. None of the following persons shall be elected a Councillor, or be appointed to office by any Council, nor shall any person continue to act as Councillor or hold any office under a County Council, after becoming one of the persons disqualified, as follows:—

1st. Persons in Holy Orders, or Ministers or Teachers of any Religious Sect or Denomination:

2d. Judges or Justices of any Court of Civil Jurisdiction:

3d. Officers of Her Majesty's Army or Navy on full pay:

4th. Any person having a contract or share or interest in a contract with the County:

5th. Any person receiving pecuniary allowance from the County for his services.

The following persons shall be exempt from being elected Councillor or serving in any County office unless with their own consent:—

Members of the Executive or Legislative Councils, Members of the Legislative Assembly, practising Physicians and Surgeons, Schoolmasters actually engaged in teaching, any Miller who shall be the only one employed in a mill, persons more than sixty years of age, persons who have served as Councillors or in any County office, or paid the penalty for refusal, shall be exempt during the four years next after such service or refusal.

12. The presiding officer at any election of Councillors or Parish Officers, during the time of such election, shall be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, the apprehension, committal, holding to bail for trial, or trying or convicting offenders, as are vested in Justices of the Peace in this Province; and for the purpose of preserving peace and good order, all Justices of the Peace residing in the Parish shall attend at the election, upon being notified in writing by the presiding officer; and such officer may command the assistance of all Justices, Constables and other persons present at the election, and may swear in as many special Constables as he thinks fit; he may commit any person for a breach of the peace, or for molesting or threatening any elector at or coming to or returning from the election, or for any violation of good order, to the custody of any Constable or person present on view, for such time as he deems expedient, not exceeding twelve hours, or may .by writing under his hand commit the offender to the common gaol of the County for any period not exceeding ten days; and any Justice of the Peace or other person present at an election who shall neglect to aid or assist the presiding officer during such election, when requested by him, shall be deemed guilty of a misdemeanor, and be punished accordingly.

13. No person who may be elected a Councillor shall act in that capacity until he shall have taken and subscribed before a Justice of the Peace for the County, who is hereby authorized to administer the same, the oath of allegiance to Her Majesty, and also the oath No. 3 in the Schedule annexed; such oaths shall be taken and subscribed by each Councillor duly qualified, within ten days after notice of his election, and in default thereof, such person or persons shall be deemed to have refused to accept the office of Councillor, and shall be liable to pay to the Secretary Treasurer of the Council, such fine not exceeding ten pounds currency, as the bye laws of the Council shall prescribe; if the fine is not paid within eight days after such refusal or neglect, it may be sued for and levied by seizure and sale of so much of the goods and chattels of the offender as will satisfy the same, with costs, by virtue of a warrant under the hand and seal of a Justice of the Peace, to be issued at the instance of the Secretary Treasurer or of any elector of the Municipality, upon the oath of any one competent witness; and one third of such penalty shall belong to the prosecutor, if he be not a public functionary or officer, and the remaining two thirds to the Corporation; if the prosecutor be a public functionary or officer, the whole shall belong to the Corporation; provided always, that no person elected a Councillor shall be subjected to a penalty for not taking the required oaths if he be not qualified.

14. In case of the death or resignation of any Councillor, or his permanent absence from the Municipality, or absence for more than six months, or incapacity after election, or refusal to accept the office, the Warden of the County shall issue a warrant under his hand and seal to the Town Clerk, requiring him to call a public meeting in the Parish, to elect some other person to fill the vacancy; and such election shall be conducted in the manner prescribed in this Act for holding

elections; but no warrant shall issue for an election to supply a vacancy after the second semi-annual meeting of the Council in any year; in all elections to fill vacancies, the officers presiding at such meetings must be governed by the last certified assessment list.

15. The Council elect, as soon as convenient, and not more than twenty days after their return, shall assemble in the County Court House, and having previously taken the required oaths, shall choose from among themselves a Chairman, who shall be designated by the name of "The Warden of the County of _____," (adding the name of the County); the Warden shall not hold the office for more than one year, or until his successor be elected and sworn in, unless re-elected, if he continue to be a Councillor; whenever a vacancy occurs by the Warden going out of office or otherwise, the Council shall at its first meeting thereafter proceed to elect a Warden; during the temporary absence of the Warden, his place may be filled by a Chairman for the time being, chosen by the members present.

16. A majority of the Council shall be a quorum for the transaction of business; a smaller number may adjourn from time to time, and absent members may be compelled to attend, under such penalties as may be provided by bye law of the Council; all questions arising in the Council shall be decided by a majority of votes; in case of an equal division, the Warden or temporary Chairman shall have the casting vote, but in no other case shall the Warden or temporary Chairman have a right to vote.

17. After the first meeting of the Council there shall be regular half yearly meetings in each year, that is to say, on the second Tuesday in January and the third Tuesday in July, which shall not continue longer respectively than five successive days; besides the semi-annual meetings, the Warden on the application of any four members of the Council, may call special meetings of the Council for the dispatch of business, specifying in such call the grounds thereof, and causing public notice of such special meeting to be posted in some public place in each Parish, or to be personally served on the Councillors of such Parish, at least two days before the time appointed for such special meeting; all meetings and sittings shall be open and public; if any Council fail to meet at any time appointed by law, they shall not thereby be deemed to be dissolved, but may hold such future semi-annual and other special meetings as if there had been no failure.

18. Each Council shall appoint a Secretary Treasurer of the Council, who shall at the same time be the Secretary and Treasurer of the Corporation, and such other County officers as they shall deem necessary for County purposes, who shall be under the direction of the said Council in the management thereof.

19. At the time and place of holding the annual election in each Parish for the choice of County Councillors, the rate payers upon property then present entitled to vote for Councillors, shall also, if they so choose, elect all Parish officers, or so many thereof as they may deem necessary for the then ensuing year, by ballot, in the same manner as the Councillors are directed to be elected by the seventh section of this Act; and after all the Parish officers are thus elected, a correct list shall be made out and certified by the Chairman of the meeting, and within six days after such election, to be by him forwarded to the Secretary Treasurer of the Council; and the persons so elected and

certified shall be Parish officers for the then ensuing year; and if the rate payers in any Parish fail to elect such Parish officers, or shall not elect a sufficient number, or if no certified list be forwarded within the time limited by this Act to the Secretary Treasurer, to be laid before the Council, the Council shall then and in such case they are hereby authorized and required to make the necessary parochial appointments for the Parish failing to elect for the year; and so much of the Act passed in the thirteenth year of Her present Majesty's Reign, intituled An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province, as is repugnant to the provisions of this section shall be and the same is hereby repealed when and so soon as and so far as relates to the County or Counties in which this Act shall come into operation.

20. Every Parish officer, whether elected or appointed, shall be sworn to the faithful discharge of his duty within fourteen days after his election or appointment, before a Justice of the Peace, and the Justice shall forthwith make return to the Secretary Treasurer of every officer so sworn as aforesaid; in case of refusal or neglect to serve, or in case of the death or removal of any person so elected or appointed during the year, the County Councillors of the Parish in which such vacancy may occur, may appoint a fit person to any such vacant office until the next meeting of the County Council, when such appointment may be confirmed by such County Council, or another person appointed; and if any person so appointed by the two Councillors for the Parish as aforesaid, shall neglect or refuse to serve, they may appoint another in his place, and so on as often as a similar case may occur, subject to the approval of the County Council as aforesaid; and if any person elected or appointed to any of the said offices shall refuse to serve, or be guilty of any misbehaviour or neglect of duty not herein otherwise specially provided for, such person shall forfeit and pay the sum of forty shillings for each and every offence and in case of the neglect of duty or misbehaviour of any Constable or other Parish officer, the County Council, in addition to any penalty for the offence, may dismiss such officer and appoint another person in his place.

21. No person shall hold more than one County office at the same time in any County; the partner of any County officer shall not hold office in the same County with such officer; no officer either directly or indirectly shall have any share or interest whatever, either for himself or his partner, in any work undertaken for the County Council.

22. Every Councillor, duly elected and qualified, shall continue in office one year, or until another is elected in his stead, but any Councillor going out shall not be re-elected for the then ensuing year unless by his own consent.

23. A Warden or Councillor may resign his office at any time by a declaration to that effect under his hand, and on payment of a fine of ten pounds; the vacancy may be filled by a new election as in other cases of vacancy; the Councillor elected to fill the vacancy shall hold office for the residue of the term of the person whom he succeeds, but no longer, but he shall be capable of immediate

25. The powers and authority of the Council shall extend to the following objects, to regulate which bye laws may be passed:—

- 1st. For making, maintaining or improving any new or existing road or street, or for stopping up, altering or diverting the same, not being a great road:
- 2d. For the erection, preservation or repair of any new or existing bridges and public buildings:
- 3d. For the purchase and management of such real estate as may be required for the public use of the inhabitants of the County:
- 4th. For the sale of such real property belonging to the County as they may deem expedient and beneficial to the inhabitants of the County:
- 5th. For the superintendence and management of all the property of the County:
- 6th. For the support of the poor of each Parish:
- 7th. For the establishment and regulation of markets and fairs:
- 8th. For licencing and regulating Tavern Keepers and Retailers:
- 9th. For regulating ferries, public wharves and landings;
- 10th. For providing means for defraying such expenses connected with the administration of Justice as require to be defrayed out of the County funds:
- 11th. For providing for the establishment and support of schools and hospitals, and the erection of school houses:
- 12th. For raising, assessing, levying and appropriating all moneys that may be requisite for carrying into effect the objects for which the Council is empowered to make bye laws; such moneys to be raised by tolls on public works or by rates to be assessed on real and personal property, or its owners and occupiers, and other persons resident in the respective Parishes, provided that no assessment shall be made solely for Parish purposes greater than the amount recommended by the Councillors for the particular Parish for which the assessment is made, and shall be made only on such Parish and the inhabitants thereof:
- 13th. For the collection and accounting for of all tolls, rates and assessments, and of the County revenues:
- 14th. For imposing penalties on persons refusing to serve in office or take the prescribed oaths, or for any breach of the bye laws:
- 15th. For determining the amount and manner of paying salaries, fees and remuneration of County officers:

16th. For the making of all contracts relative to matters under their control, which contracts, after being duly considered, by the Council, shall be signed by the Warden and countersigned by the Secretary Treasurer:

17th. For determining what officers it maybe expedient to pay, fixing the amount of their salaries and the time and mode of paying them, provided always, that no Warden or Councillor shall receive any salary:

18th. For obliging each circus company or showman, or exhibitor of wild beasts, coming into the Municipality, to pay to the Secretary Treasurer, for the use of the County, a duty of not less than five pounds nor more than ten pounds, under penalty of twenty pounds for contravention thereof:

19th. For making rules and regulations for trying contested elections of members of their own body, and the trying of such contested elections:

20th. For the prevention of fires by regulating the mode of placing stoves and stove pipes, flues, furnaces and ovens in any house or other building, or for the safe keeping of ashes:

21st. For regulating the running at large of horses, cattle, sheep, goats, swine and other animals, geese, turkeys and other poultry, and for impounding the same; and for fixing the periods of the year daring which such animals or poultry shall be permitted to run at large or be restrained from so doing:

22nd. For preventing vice, drunkenness, profane swearing, obscene language, and any other species of immorality or indecency in the public streets or roads; and for preserving peace and good order in such streets and roads, and in public places or taverns; for preventing the excessive beating or cruel and inhuman treatment of animals; for preventing the sale of any intoxicating liquors to Indians, children, apprentices or servants, without the consent of their protectors; and for restraining and punishing all vagabonds, drunkards and beggars, and all persons found drunk or disorderly in any street, road or public highway in the County:

23rd. For providing for any other purpose, matter or thing specially subjected to the control of the Council by law; but no bye law shall impose any punishment of imprisonment for a longer period than thirty days, or any penalty exceeding five pounds.

26. All powers and authorities now vested by law in Justices of the Peace to make bye laws, impose rates or assessments, appoint County officers, or make regulations for any purpose whatever, after the incorporation of any County, shall be transferred to, vested in, and be exercised by the County Council only; but no bye laws or regulations made by the Justices in Sessions shall be considered repealed until the County Council shall expressly declare such repeal by a bye law.

27. All debts, liabilities and obligations of every kind which may be due or owing, or to which any County may be legally liable at the time of its incorporation, shall be assumed, paid and performed by the County Council, and be recoverable from the same by action or otherwise, on the same terms and conditions as the same should have been paid and performed if the County had not been incorporated; and all property of a public nature and debts of every kind belonging or owing to any County, shall at the same time become vested in and due and payable to the County Council, and receivable as if originally due to them; but no County Council shall issue or authorize the issuing of any bill or note, or in any way act or authorize any persons to act as bankers.

28. In assessing any rate or tax the County Council shall be governed in all things by the laws now or hereafter to be enacted for levying and collecting of Parish and County rates; no assessment upon property made by the County Council shall in any case exceed two pence in the pound on the assessed value; and the same shall be apportioned and assessed equally on all property liable by law to Parish and County rates; but no rate or assessment whatever shall be made or levied on any lands, tenements or other property real or personal of Her Majesty, Her Heirs or Successors.

29. All allowances or percentage granted by law to any Collector or County Treasurer, and all salaries, wages and allowances of any kind enjoyed by any County, Town or Parish officer, shall continue to be paid after the incorporation of any County until otherwise ordered by the County Council.

30. An authentic copy of each bye law passed by the County Council shall forthwith, after being passed, be transmitted by the Warden or Chairman for the time being to the Provincial Secretary, who shall note on such bye law the date of its receipt, and lay the same before the Lieutenant Governor; no bye law shall go into operation or be of any force until thirty days after its receipt by the Provincial Secretary; within the said period of thirty days the Lieutenant Governor in Council may disallow any bye law, and such disallowance, with a certificate of the day on which the bye law was received by him, shall with ail convenient speed be transmitted by the Provincial Secretary to the Warden of the County, and the bye law so disallowed shall be void and of none effect whatever.

31. The County Council at any semi-annual meeting may order such, sums to be assessed on the inhabitants of the County as may be necessary to pay the salaries of County officers or defray the cost of any public work which they may direct to be done.

32. At least ten days before the meeting of the Provincial Legislature, the Warden shall transmit an abstract of the receipts and expenditures of the County during the preceding year to the Lieutenant Governor, who shall lay the same before both branches of the Legislature.

33. No Councillor shall in any case receive or be entitled to any salary or emolument for his services as such.

34. Nothing in this Act contained shall extend to any toll bridge or road belonging to any company or individuals, nor to any work under the control of the Imperial or Provincial Government, or of the Military authorities.

35. All fines and penalties imposed by this Act or by any bye law of the County Council, and for the recovery of which no other provision is made, may be recovered with costs by summary proceeding before any Justice of the Peace for the County, and may be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such Justice; all fines and penalties when recovered shall be paid and applied as this Act or the bye laws shall direct; no informer or other person who is to receive for his own benefit any part of a fine or penalty, shall be a competent witness for the prosecution, unless he first relinquishes in writing all claim to his proportion of the fine or penalty; in such case the whole penalty shall be applied as this Act or the bye law may direct for that portion which was not to go to the informer or prosecutor; any inhabitant of the County or member of the County Council shall be a competent witness in any prosecution for the recovery of a fine or penalty, or in any suit for money payable to the Secretary Treasurer, or due to the County Council, or in any suit wherein the County Council is a party, or has an interest in the result, by reason of such person being an inhabitant of the County or a member' of the County Council, or an officer or person in its employ, provided that such person shall have no other interest in the prosecution or suit which would render him an incompetent witness.

36. All rates and tolls imposed by any County Council shall be assessed, collected, paid, levied and recovered in manner prescribed by the bye law imposing the same, and by the assessors and collectors of rates in the respective Parishes, provided such bye law is not repugnant to the law of this Province or to this Act.

37. All rates for public purposes not within the scope and authority of this Act, to which the inhabitants of any County are now liable, or may hereafter be liable to pay by a law of the Province, shall continue to be assessed upon and paid by the inhabitants of any incorporated County, until otherwise directed by Act of the Legislature.

38. The expenses of levying, collecting and managing all rates and taxes shall form the first charge on the County funds; the expenses incurred by the Sheriff, Coroner, and Gaoler, in the care and safe keeping of prisoners, and in all other matters connected with the administration of Justice, shall form the second charge on these funds; all debts and legal liabilities due and created before the incorporation of the County, shall form the third charge; and all other sums payable out of the County funds for any purpose whatever not within the scope of the power of the County Council, shall form the fourth charge; and all sums and expenses not included in the above charges, which shall be directed by bye law to be paid out of the County funds, in the order in which they are directed to be paid, shall form the fifth charge on such funds.

39. Nothing in this Act contained shall be construed to repeal or affect the provisions of any law or enactment now in force, except so far only as such law or enactment shall be inconsistent with or repugnant to the provisions of this Act or the attainment of the objects and purposes thereof.

40. The County Council at their first semi-annual meeting in each year shall appoint one person to be County Auditor; no person shall be appointed Auditor who is a member of the County Council, or one of its officers, or who shall directly or indirectly, by himself or partner, have any share or interest in any contract with the County Council or any employment under them; no County Auditor shall act as such unless he shall have previously made and subscribed the oath No. 4 in the Schedule annexed, before the Warden of the County or any two of the Councillors, who are hereby authorized and empowered to administer such oath.

41. It shall be the duty of the County Auditor to examine and audit the accounts of the Secretary Treasurer, and all other accounts which may be referred to him by the County Council, and to report thereon at the next semi-annual meeting after such reference; the County Auditor shall have authority to call for all books and vouchers he may deem necessary for elucidating any account laid before him; no accounts shall be allowed or passed by the County Council until the same is audited and reported upon by the County Auditor; and all audited accounts shall be open at all reasonable times to the inspection of any elector of the County.

42. The Secretary Treasurer of the Council shall keep a book in which shall be entered the minutes of proceedings of the Council, and the bye laws, rules and regulations made by the same; and shall also receive for the said Council from the Parish Councillors or officers or other person or persons whomsoever having charge thereof, all money, property, books, documents, plans, maps, manuscripts or records of whatsoever kind, pertaining to the said Parish within the Municipality; and he shall cause the provisions of this Act in respect of such Municipality, and the rules and regulations established by the Council thereof, and every matter or thing required to be done or performed under the authority of this Act, to be enforced against and executed by the parties subject thereto; and the said Councillors and officers of the County appointed under the provisions of this Act, and of the respective Parishes within such County having charge of the same, shall be and are hereby required to deliver up the same on demand to the Secretary Treasurer of the Council of the County or Municipality constituted under this Act, under the penalty of forty shillings for each and every refusal so to do; and shall also keep a register of all papers and documents on which any action shall have been taken by the Council, and such minutes and registers shall be signed at each sitting by the Warden or temporary Chairman of the Council, and countersigned by the Secretary Treasurer, and copies of such documents so signed as aforesaid, shall be received in evidence in all Courts of Justice in this Province.

43. Every person authorized by law to make affirmation, instead of taking an oath, may make affirmation in every case where an oath is required by this Act; and any person who shall wilfully swear or affirm falsely in any matter where an oath or affirmation is required by this Act, shall be deemed guilty of wilful and corrupt perjury and be punished accordingly.

44. If any Parish shall refuse or neglect to elect Councillors in the manner hereinbefore" provided, the Lieutenant Governor in Council shall appoint them or so many of them as ought to have been elected, upon a statement made on oath before some Justice of the Peace, by any two electors, that no election of such Councillors has been had within the time limited by this Act, and the Councillors appointed by the Lieutenant Governor in Council shall be sworn into office, and have the same powers and privileges, and be subject to the same duties and penalties, as if they had been elected at a general meeting of the rate payers of the Parish, and go out of office and may be re-elected as directed by this Act.

45. The Cities of Saint John and Fredericton shall be exempt from the operation of this Act, which shall in no way extend to or affect the said Cities, or either of them; but the remaining Parishes in the Counties of York and Saint John, in which the said Cities of Fredericton and Saint John are respectively situated, may, if the rate payers in those Parishes shall so decide, according to the provisions of this Act, be incorporated by Charter as County Municipalities, distinct and apart from the said Cities of Fredericton and Saint John respectively, and enjoy all the rights, powers and privileges to which other County Corporations may be entitled under this Act.

46. Every action brought by or against any County Council shall be brought by or against the same by its corporate name; and in all such actions, service of process on the Secretary Treasurer for the time being, shall be good and valid service of such process.

47. That the Council shall during its sittings be deemed and considered a Court for the transaction of business, and for such purpose shall have all the rights, powers, privileges and immunities incident thereto.

48. Wheresoever the words "Lieutenant Governor" occur in this Act, they shall be understood as comprehending the Lieutenant Governor or the person administering the Government of the Province for the time being; and through-out this Act wheresoever words are used importing the singular number, or the masculine gender only, yet they may be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males; and wheresoever words are used denoting the plural number, yet they may be understood to apply to one matter or one person as well as more than one, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and all the sections and articles of this Act shall, if necessary, be so construed together as best to render them operative and effective for the purpose intended.

49. This Act may be altered or amended during the present Session of the Legislature.

50. This Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

SCHEDULE.

No. 1.

Oath to be taken by Returning Officer.

I, A. B., presiding and returning officer at the election of Councillors for the County of _____, do swear (or do solemnly affirm, as the case may be,) that I have not directly or indirectly, by myself or any other person, received any fee, gift, gratuity or reward, either in money or otherwise, or the promise of any, as a consideration for my returning or effecting the return of any person as a member of the Council for the County of; and that I will, to the best of my ability, fairly, honestly and faithfully, conduct the present election for the choice of members of the County Council, and truly declare the candidates who tit the final close shall appear to have the majority of votes; and that I will use the best of my endeavours to preserve peace and good order at such election, and to give all persons entitled to vote free and unmolested access to and from the poll.

No. 2.

Oath to be taken by Voter at election of County Councillors.

I do swear (or solemnly affirm, as the case may be,) that I am C. D., whose name is entered on the Assessment Roll of the Parish of _____, and have not already voted at this election.

No. 3.

Oath to be taken by every County Councillor in addition to the oath of allegiance.

I, E. F., having been elected a Councillor in the County Council of do hereby sincerely and solemnly swear (or do solemnly affirm) that I will faithfully fulfil the duties of the said office according to the best of my judgment and ability; and that I am seized and possessed to my own use of lands and tenements held in fee within the limits of the County of _____ of the value of one hundred and fifty pounds, over and above all charges and incumbrances due and payable upon or out of the same; and that I have not fraudulently or collusively obtained the same for the purpose of qualifying me to be elected as aforesaid.

No. 4.

Oath to be taken by the County Auditor.

I, G. H., having been appointed to the office of Auditor for the County of do hereby promise and swear (or solemnly affirm,) that I will faithfully perform the duties of that office according to the best of my judgment and ability, and that I have not directly or indirectly any shake or interest whatsoever in any contract with, by or on behalf of the council of this County.

[This Act was specially confirmed, Ratified and finally enacted by an Order of Her Majesty in Council, dated the 7th day of August, 1851, and published and declared in the Province the 17th day of September, 1851.]