

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1855.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1855.

18 Victoria – Chapter 66

**An Act to incorporate the Town of Moncton. Passed 12th April 1855.**

Section.

1. Town of Moncton incorporated;
2. Divided into three Wards.
3. Government vested in a Mayor and six Councillors.
4. Assessors, election and qualification of
5. Qualifications of Mayor, Councillors, and Assessors.
6. Qualification of voters.
7. Assessors' duty.
8. Disqualifications for the office of Mayor, or Councillor, or Assessor.
9. On neglect to accept office, a new election to be had.
10. What shall be a resignation of office.
11. First election, time for.
12. Notice of election, how and by whom to be given.  
on sick; interment of dead; expenses.
13. Nomination of Candidates.
14. Nomination at elections to supply extraordinary vacancies.
15. All voting for Mayor, Councillors, or Assessors to be by ballot.
16. Court for nomination; duration of poll; registry of votes; close of poll.
17. When poll may be closed before 5 o'clock.
18. Return of election to the Clerk.
19. Poll lists, &c. to be open for inspection.
20. Mayoralty, tenure of.
21. Public notice by Clerk of vacancies in Mayoralty, &c.

Section.

37. Meetings of Council may adjourn
38. A Clerk, Auditor, City Treasurer, and other officers to be appointed.
36. Improper conduct in Council, proceedings
39. Certain officers to give bonds.
40. Treasurer to receive all rates, &c.;
41. Not to pay any money except on a written order.
42. Statements of receipts and expenditures to be published annually.
43. Officer intrusted with moneys to be accountable to the Council.
44. Special authority to make bye laws.
45. Council invested with sole control of the streets, &c.;
46. May assess for executing their powers, and maintaining a police.
47. Assessors to publish their appointment; receive statements of property &c.; assess, and file a roll
48. Assessments to be appointed by the roll.
49. Time and manner of collecting rates, and summary method of recovery.
50. Commitment to gaol for want of goods to distrain.
51. Notice to be given to non-residents' Agents, or publication made.
52. Distress warrant, on default of payment after notice or publication.
53. Persons over-assessed may appeal.

22. Preliminaries to voting.
23. False swearing or affirming deemed perjury.
24. Where residents and non-resident electors shall vote.
25. Officer holding election to be deemed peace officer; who shall be aiding.
26. Mayor, Councillors, and Assessors elect to file their assessment receipts and take oath of office.
27. Option when Councillor elected for more than one ward.
28. Officers to be re-eligible.
29. Councillors and Assessors, termination of office of
30. Meetings of the Town Council.
31. Court, manners necessary; Clerk to keep minutes.
32. Mayor to preside at meeting; casting vote; open doors.
33. Minutes to be entered in a book, open for inspection.
34. Proceedings if decision of officer holding an election be unsatisfactory.
35. The Council may appoint Committees.
54. Rates on property to be paid by owner or tenant.
55. Debts due Corporation to have preference to all other except Crown debts.
56. Errors in assessment may be corrected.
57. Excess in assessment, when not illegal.
58. Powers of Sessions as to Taverns, &c. transferred to the Council.
59. No citizen or officer to be an incompetent witness in Town actions.
60. Mayor and Councillors to be deemed Justice of the Peace.
61. No Mayor or Councillor to receive pay.
62. How Corporations shall be rated.
63. fines and penalties, recovery of
64. Arrangements for support of poor to be made with Overseers of the Parish.
65. Sessions to apportion assessments for County purposes.
66. New election on equal votes for two or more Candidates for Mayorship
67. First election for Mayor, &c. to be held by the Sheriff of the County. recoverable.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That from and after the passing of this Act, all the inhabitants of that part of the Parish of Moncton which is bounded as follows, viz:— On the north and east by Hall's Creek, on the south by the Petitcodiac River, and on the west by the division line between the Grants to Christian Trites and Jacob Trites, Junior, shall be a Town Corporate, in right and in name, by the name of "The Town of Moncton," and shall have perpetual succession and a common seal, with power to break, renew, and alter the same at pleasure, and shall be capable in law of suing 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.

2. That the said Town of Moncton shall be and is hereby divided into three Wards, viz: Ward number one, Ward number two, and Ward number three, to be severally bounded as follows:—

Ward number one, bounded on the north and east by Hall's Creek, southerly by the Petitcodiac River, and westerly by the centre of Steadman Street and the Great Road to the Bridge crossing said Creek:

Ward number two, bounded easterly by Ward number one, southerly by the River, westerly by a line running from the River northerly through the centre of Wesley Street to Hall's Creek, and on the north by Hall's Creek:

Ward number three, bounded on the east by Ward number two, on the south by the River, on the west by the westerly boundary of the Town, and on the north by Hall's Creek.

3. That the administration of the fiscal, prudential, and municipal affairs, and the whole legislative power and government of the said Town, shall be vested in one principal officer, who shall be the Mayor of the Town of Moncton, and in six other persons, (and in no other power or authority whatever,) two of whom shall be annually elected for each Ward, and who shall be styled Councillors of the Town of Moncton, all of whom shall be severally elected as is hereinafter directed; and such Mayor and Councillors for the time being shall be the Town Council, and all bye laws made by the said Council shall express to be enacted by the Town Council of the Town of Moncton.

4. That there shall be annually elected at the same time hereinafter appointed for the election of Mayor and Councillors, one Assessor for each Ward; 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 in the case of a Councillor.

5. That no person shall at any time be qualified to be elected as Mayor, Councillor, or Assessor for the said Town, unless at the time of his election he be resident within the said Town, 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 Town, to the value of one hundred pounds or upwards, and shall have paid before the time of such election all rates and taxes legally due from him within the said Town.

6. That at the first election under this Act for Mayor, Councillors, and Assessors, no person shall be qualified to vote unless he be of the full age of twenty one years, and possessed at the time of such election of real estate within the said Town of the value of twenty five pounds or upwards; at every subsequent election all persons of the full age of twenty one years, who shall have resided within the said Town for the period of two years, and shall have been assessed for the assessment next preceding such election, and nonresidents who shall have been assessed as aforesaid for real estate within the said Town, of the value of twenty five pounds or upwards, and shall have paid all rates and taxes due previous to such election, shall be qualified to vote; the evidence of such payment shall be a receipt from the collector of rates, who is hereby required to furnish the same under a penalty of forty shillings for each refusal.

7. That it shall be the duty of the Assessors in each and every year, to file a copy of the assessment lists for each Ward with the Town Clerk within one month after the same shall be made up, and it shall be the duty of the said Clerk on or before the first day of March in each and every year, to make up from the assessment lists a true and correct registry or list for each Ward, of the persons qualified under this Act to vote at the next ensuing election for Mayor, Councillors, or Assessors, and shall on or before ten of the clock in the morning of the day appointed to hold any election under this Act, deliver to each of the officers appointed to hold the same a copy of the registry or list for the Ward in which he is to preside.

8. 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 Council, nor during such time as he shall by himself, 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 Council, nor shall any person accountable for the Town revenues or any part thereof, not any officer or person presiding at any 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, Councillor, or Assessor in the said Town; provided nevertheless, that no person shall be disqualified to serve as Mayor, Councillor, or Assessor as aforesaid, by reason of his being a proprietor or shareholder in any Company which shall or may contract with the Town Council for lighting, or supplying with water, or insuring against fire, any part of the said Town; 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 Town 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.

9. 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.

10. That if any person holding the office of Mayor, Councillor, or Assessor, remove his place of residence without the limits of the Town, or shall be absent from the meetings of the Council for more than two months at any one time, except in case of illness, or by leave of the Council first obtained, then in every such case such person shall immediately be deemed and taken to be disqualified, and shall cease to hold his office of Mayor, Councillor, or Assessor, and his place shall be filled up by a new election, to be made in the manner hereinafter directed for holding elections.

11. That the first election for a Mayor, Councillors, and Assessors for the said Town 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, Councillors, or Assessors as aforesaid, in all succeeding years, shall be held on the second Monday in March in each and every year.

12. That public notice of the time and place for holding every such election respectively, shall be given by the Clerk, by publishing such notice in one or more of the public Newspapers printed in the said Town, 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 Mayor, Councillors, and Assessors, shall be held on the same day and hour.

13. 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, 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 more of the persons so nominated as aforesaid.

14. 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.

15. That all voting under this Act for election of Mayor, Councillor, or Assessor, 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.

16. 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 a poll list to be kept at such election by the officer or person holding the same; and after finally closing the poll for Mayor, 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 the votes shall then have been given, and he shall also then publicly declare the person or persons having the greatest number of votes in his and their favour to be duly elected as such Councillor or Assessor, and return the number of votes given for each candidate for the office of Mayor to the Town Clerk, who shall upon the receipt of the returns from all the Wards declare the candidate having the greatest number of votes to be duly elected; and the officer or person so presiding, whether

other-wise qualified or not, shall give a casting vote in cases where such casting vote may be necessary to determine the election of Councillor or Assessor.

17. 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, but 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.

18. That the officer or person holding every election for Mayor, Councillors, or Assessors as aforesaid, shall immediately after the close thereof make a return to the Clerk of the names of the persons having the greatest number of votes, and declared by him duly elected at such election for Councillors or Assessors, and the number of votes given for each candidate for the office of Mayor.

19. That the poll lists kept at every such election, and the receipts delivered in by the electors hereinafter mentioned, shall on the next day 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 holding the same to the Clerk, to remain in his office, where they shall be open for inspection to any elector on the payment of one shilling.

20. That every person duly elected 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 reelected to the said office, it shall not be necessary for him to be again sworn into office as such Mayor.

21. 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 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 and vacancies; and such election shall be held in the manner provided in and by this Act.

22. That no person shall be allowed to vote at any election for Mayor, Councillor, or Assessor, unless his name shall appear in the list of voters for the Ward in which he claims to vote, and before he be permitted to vote, shall deliver to the officer or person holding such election, a receipt from the collector of rates, as provided in and by the seventh Section of this Act, 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 in to say:—

'I, A. B., do solemnly swear (or affirm) that I am of the full age of twenty one years, and that I am the person named in the receipt now exhibited by me, and the person named In the list of voters, and that the said receipt was given to me by the Collector of rates whose name is thereto subscribed, and that I have not before voted at 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.

23. That if any person shall knowingly swear or affirm falsely in taking any or either of the oaths, or in making the affirmation prescribed in and by this Act, be 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.

24. That at any election for Mayor, Councillors, or Assessors, every elector shall vote in the Ward in which he resides, and not elsewhere, and nonresidents shall vote in the Ward is which the property lies; but no person shall vote at anyone election in more than one Ward. Non-residents having property in more than one Ward may notify the Clerk of the Ward in which he desires to vote, and the Clerk shall enter his name in the list for that Ward.

25. That every Officer or person holding any such election 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 Town, or to the keeper of the gaol or lockup house; 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 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.

26. That the Mayor, Councillors, and Assessors, before entering upon the duties of their offices respectively, shall file with the Clerk the assessment receipts given to them severally by the 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 following oath of office before any Justice of the Peace, that is to say:—

‘ I, A. B., do solemnly swear (or affirm) that I am qualified, as by law required, in every respect for the office of Mayor, (Councillor, or Assessor, as the case may be) to which I have been elected; and 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 Mayor, (Councilor, or Assessor, as the case may be,) while I hold the same.

So help me God.’

27. That if at any election any person shall be elected as Councillor for more than one Ward of the said Town, 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 another election shall thereupon be held in the Ward so left vacant, as in other cases of extraordinary vacancies.

28. That at the annual election 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.

29. 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 election.

30. That the said Town Council shall meet for the transaction of business at such time and place as the Mayor, or any four Councillors, may from time to time appoint, giving at least three days public notice of such meeting; provided always, that there shall be four quarterly meetings in each and every year, to be held at such time and place as the Council may by any bye law appoint.

31. That in all meetings of the Council to be held under this Act, three 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 it shall be the duty of the 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 finally adjourned or dissolved by the presiding officer; and the



rules, orders, and 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.

32. That at all meetings of the Council, the Mayor, 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 Major 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 Council shall be held with open doors.

33. That the minutes of proceedings of all meetings of the said Council to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose by the 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 rote at the election of Councillors.

34. That if any candidate or duly qualified elector be dis-satisfied with the decision of the officer or person holding any election under this Act, in aby 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 Clerk to the Council, setting forth the cause of complaint, and demanding an investigation thereon; and the said 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 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 provisions of this Act, the said Council shall declare his election to be void, and shall direct a new election to be held to supply his place, as in the cash of other extraordinary vacancies.

35. That it shall be lawful for the Said Council to appoint from 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 transaction of the business before such Council, and for the discharge of such duties as by the said Council may be proscribed, but subject in all things to the approval, authority, and control of the said Council; and in all questions coming before any such Committee, a majority Of the members present shall determine such question, provided that a majority of the persons composing such Committee be present.

36. That if at any meeting, of the said Council to be held under this Act, any member of the 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 Council, if five members in all, or more, besides the offender, be then present and concur in the sentence, may expel such offending Councillor from the 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 to be left at his usual place of

abode, and if five members at least, including the offender, be present at such special meeting, the Council so assembled shall have power in such manner as may be determined at such meeting, to punish the offender by reprimand, fine, or expulsion, as any five of the members then present shall think fit; provided that in case of expulsion the person so expelled shall forthwith cease to be a member of the 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 Treasurer, who is hereby authorized and required to sue for the same before any competent Court in a summary manner, in which a certificate of the Clerk shall be conclusive evidence of the defendant's liability, which certificate the said Clerk is hereby authorized and required to furnish without fee or reward.

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

38. That at the first meeting of the Council after every annual election, or at any subsequent meeting, the said Council, if they see fit, may nominate and appoint from time to time for the said Town a Clerk, an Auditor, a City Treasurer, a Marshal, a Clerk of the Market, and so many Constables, Surveyor of Reads, Collectors of Rates, Pound; Keepers, Harbour Master, Wharfinger, or Overseers of the Poor, 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 cases of the Clerk and Treasurer, shall not be longer than one year, unless they be reappointed; and the Council may also remove or displace any of the said officers, and appoint others in their stead, and to impose penalties for the nonperformance 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 Clerk and other officer so to be appointed as aforesaid such allowance or other compensation for their services as the said Council may think fit; provided that no person shall be capable of acting in any office to which he may be appointed by the Council until he shall have been sworn or have affirmed before the Mayor 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.

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

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

41. That the said Treasurer shall not pay out any moneys as such Treasurer, otherwise than upon an order in writing of the Council of the said Town, 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 Clerk.

42. That it shall be the duty of the Council to publish in one or more of the Newspapers published in the Town, one month before the annual election of Mayor and Councillor 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 money 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 Clerk of the Town for the time being.

43. That all Boards, Commissioners, and officers appointed to act under the authority of the said Council, and intrusted with the collection or expenditure of any mon[illegible] belonging to the said Corporation, shall be accountable [illegible]erefor to the said Council in such manner as may be ordained and directed by the bye laws and ordinances of the said Council; and the books of accounts of the said Corporation, shewing the amounts, particulars, state and circumstances, and also the receipts 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 Clerk, and shall be there exhibited for the inspection and examination of every elector of the Town, 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.

44. That the said Council in addition to the general powers of making bye laws for the good government of the said Town, and the other powers incident thereto especially conferred in and by the provisions of this Act, shall, in the manner hereinafter mentioned, hare 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 Town, that is to say:—

1st. The regulating weights and measures in the public markets, and all other places within the said Town, 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 persons using such defective or fraudulent weights or measures, beams, scales, or other devises 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 as marketed.

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

6th. To regulate the measurement of coal, lime, salt, grain, hoards, cordwood and other fuel, clapboards, shingles, laths, and other lumber, and to impose penalties for light weight or short count or measurement on 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 found, proper upon the person or persons exposing for sale such tainted or unwholesome articles within, the said Town.

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 on that behalf.

9th. To regulate the anchorage, lading, and unlading of vessels and other craft arriving at the said Town.

10th. To regulate and provide for the erection, management, and rent of wharves, piers, quays, landings, and docks in the said Town, 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 Petitcodiac within the said Town, or impeding the free navigation thereof, and to regulate and establish ferries within the limits of or belonging to the said Town.

11th. To regulate carters, wagoners, and cartmen, the price to be paid to them for hauling loads in the said Town, 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 Town.

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 in-human 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, cirques, on 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 thereat.

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 owners, 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 Town, and to make and ordain rules for the government and preservation thereof, and to impose penalties and punishment by fine or imprisonment, or both, for the violation or nonobservance of such rules.

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

33rd. To prevent immode[illegible] driving or riding within the Town.

34th. To establish bathing houses, and prevent or regulate bathing within or near the said Town.

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 Town, 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 workhouse 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 of the poor, and management of any house of refuge, hospital, workhouse, bridewell or house of correction, that may be established in the said Town, and also to provide for the erection or establishment of any such houses of refuge, hospitals, workhouses, 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 firearms.

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 Town.

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

48th. To enforce the proper 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 management and 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 premiums or rewards for early attendance of wagons and other vehicles with water at fires, as to the said Town 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 any kind belonging to the said Town, and to provide for the permanent improvement of the said Town in all matters as well ornamental as useful.

58th. To provide for the erection, preservation, and security of lamp posts, sign beards, and other fixtures within the Town.

59th. To provide for defraying out of the funds of the Town, if It be deemed necessary, the expense of lighting the same as 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 Town 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 of the said Town; 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 said Town; 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 Town 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.

45. That the said Council shall have and they are hereby in-vested 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 Town, and of such parts of highways and bye roads (if any) as may be within the limits thereof; and of putting, building drains, sewers, culverts, and bridges therein, and to prevent the encumbering of the same in any manner, and to protect the some and every part thereof from encroachment and injury, by such laws and ordinances as the said 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, sidewalks, crossings, roads, bridges, wharves, docks, slips, and shores now laid out or erected, or hereafter to be laid out, executed, or erected either within the limits of the said Town, and to regulate or prevent the encumbering, injuring, or fouling of the same by any animals, vehicles, vessels, crabs, 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 Town in the winter, and to require the owners of horses, sleds, and other teams to assist thereat; 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 square, street, or place, or 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.

46. That it shall be lawful for the said 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 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 Town, or by means of any rate or assessment to be assessed or levied on real or personal property, or both, within the Town, or upon the owners or occupiers thereof in respect of such property, or upon the income of the inhabitants of the said Town derived from any trade, employment, 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 Town, or upon the capital stock or other trading capital of any Bank, Banking Company, Insurance of 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 Town, whether by rents of property or otherwise, in any way or manner whatever, by authority of the said Council, over and above such amount as may be necessary for the relief of the poor, the support of the fire department, lighting the Town, and making and repairing the streets and roads; and provided also, that the Council may at their discretion remit so much of the rates imposed upon mills and other manufacturing establishments within the said Town as they shall deem just and reasonable.

47. That immediately upon 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 Town, and any inhabitant or person owning property in the said Town 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 Assessor, 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 Town, and of non-residents having property therein, and the income of the said inhabitants derived from any trade, employment, profession, or calling, within the Province, (but not from real or personal property), and shall file with the Clerk a roll or list of such assessment, to be prepared in such form as the Council may determine.

48. That whenever the said Council may order any sum of money to be raised by rates or assessment upon the Town 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 Clerk.

49. That the said Council by any bye law made for that purpose, shall have power to regulate the time and manner of collecting the rates upon any assessment within the said Town, 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 establish a summary method for recovering the rates due from defaulters residing within the said Town, by writ, in the nature of a *levari facias*, in the manner used for recovering fines from jurors for nonattendance; provided that no such process shall issue for the recovery of rates due by any person rated and residing within the said Town, 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.

50. That if any person residing within the Said Town, 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 or to the lockup house in the said Town, until the said rates be satisfied; provided however, that no person who may be so committed 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 nonpayment of rates as afore-said, shall be deemed entitled to the benefit of the gaol limits.

51. That when any person assessed as a nonresident shall have a known agent in the said Town, 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 nonresident shall not have any known agent in the Town, the Town Clerk shall cause a list to be published in some one or more Newspapers published in the Province, 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.

52. 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 Westmorland to sell at public auction to the highest bidder, first giving thirty days notice of such sale in some Newspaper, 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 the purchaser.

53. That any person believing himself over-assessed or otherwise aggrieved by any assessment made in the said Town, or the agent of any nonresident assessed as aforesaid, may appeal to the Council at any time within twenty days after notice as hereinafter provided shall have been delivered to him or left at his last known place of residence, and the 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 assessor 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.

54. That any rate or assessment with which any lands, tenements, or hereditaments within the said Town 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.

55. That all debts from and after the passing of this Act as 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 Town, 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 bold, 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.

56. 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 apply such omission at any time before another assessment is made for a similar purpose.

57. That no assessment 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.

58. That from and after the passing of this Act, all the powers vested in the Court of General Sessions for the County of Westmorland 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 Council, so far as such laws may be applicable to the said Town; and the Mayor, and each several Councillor for the time being of the said Town, shall have full power and authority to do any act or thing in respect of the said Acts within the said Town, 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 said Town 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 months) shall be paid to the Treasurer for the use of the said Town; and provided also, that no General or Special Sessions for the County of Westmorland 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 Town.

59. That in any action or other proceeding at law or equity or otherwise, in which the said Town 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.

60. That the Mayor and Councillors of the said Town during his or their continuance in office, shall be and be deemed Justices of the Peace, and shall have, use, and exercise the same powers and authority within the said Town as if he or they had been commissioned a Justice or Justices of the Peace; provided always, that his or their authority as such Justice or Justices shall not extend beyond the limits of the said Town.

61. That neither the Mayor or Councillors of the said Town, or any of them, shall receive any pay or remuneration for their services in that capacity.

62. That for the purposes of assessment within the said Town, the President or other chief officer, or the Agent of any Company or Corporation, shall be deemed and taken to be and assessed as the owner of its capital stock; and the name, style, or firm of any co-partnership in trade or business shall be entered in the assessment roll as assessed for the property or income of such co-partnership, and the assessed amount may be recovered from and levied upon any member of

such co-partnership; and in case of mortgaged property the party in possession shall be deemed the owner for the purposes of assessment.

63. 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 thereof, 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 Town and any one of the Town Councillors, and in case of the sickness or absence of the Mayor 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 Town, 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 Councillor, or of the said two Councillors; 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 for distraining and selling the same, to commit the offender or offenders to the common gaol of the County, or lockup house within said Town, for such period not exceeding three months, as the said Mayor and Town Councillors or any two Councillors shall direct; and all such complaints, suits, prosecutions, or controversies shall be prosecuted by summons or warrant in the name of the Town Clerk, and the proceedings shall be viva voce, and conducted in a summary way, as directed by the Acts of Assembly relating to the duties of Justices of the Peace out of Sessions within this Province, and judgment shall be given as the very right of the matter may appear, without regard to technical objections, imperfections, or defects which do not affect the substantial justice of the case.

64. That the Overseers of the Poor for the Parish of Moncton and the Overseers of the Town, shall and may make such arrangements for the support of the poor of the said Town and Parish as they or a majority of them may deem equitable.

65. That in any assessment for County purposes to be made in the Parish of Moncton, the Justices in Sessions shall apportion the amount to be levied between that part of the Parish not incorporated and the Town of Moncton.

66. That in any election for Mayor, if there should be an equal number of votes given for any two or more of the candidates, the Town Council shall immediately direct a new election to be held as in the case of extraordinary Vacancies.

67. That the first election for Mayor, Councillors, and Assessors under this Act, shall be held by the Sheriff of the County of Westmorland, and such persons as he may appoint, and any subsequent election by such persons as the Town Council may from time to time appoint.