

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1856. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1856.

19 Victoria – Chapter 37

An Act relating to Municipalities. Passed 1st May 1856.

Section.

1. Preliminaries to incorporation - Petition for a meeting.
2. Sheriff, Town Clerks, and appointees to preside at meetings.
3. List of rate-payers upon property to be given to the presiding officer.
4. Votes how to be taken; - in Saint John.
5. Returns and declaration.
6. Sheriff to certify to the Governor in Council if the vote be in the affirmative.
7. Charter to be granted;
8. To be sent to the Sheriff, who is to give notice for election of Councillors.
9. Subsequent meetings after a negative vote.
10. Expenses to be devrayed as County contingencies.

Section.

11. Organization; election of Warden; What rates to qualify voters.
12. Councillors' tenure of office.
13. Election of Councillors to supply omission to elect.
14. Time for all future elections.
15. Council authorized to make bye laws.
16. Bye laws, proceedings to obtain sanction of Governor in Council.
17. Bye laws, continuance of force of.
18. Assent of Governor is Council to a bye law, effect of.
19. Proof of assent of Governor in Council.
20. Bye laws continuing bye laws to have immediate force.
21. Meetings how called on death or absence from the Province of the Warden.
22. Certain Acts repealed.

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

1. If it is desired that any County shall be incorporated, the same shall be signified to the Governor in Council, in manner following:—At least one hundred of the resident freeholders or householders of the County paying rates upon property, shall petition the Sheriff, praying that public meetings maybe called at the different polling places fixed by law for the election of Representatives to serve in General Assembly; in the several Parishes in the County, for the purpose of taking into consideration the propriety of incorporating the County; the Sheriff shall thereupon give at least one month's public notice of the day and hour at which such public meeting shall be held; which meeting shall commence at eight o'clock A.M. and continue open until four o'clock in the afternoon of the same day; the notice shall contain a copy of the Petition and of the names of the signers; it shall be published in at least four weekly numbers of a Newspaper printed and circulated in the County, if any, and also shall be published by printed hand bills, in at least ten of the most public places in each Parish.
2. The Sheriff shall preside at the meeting in the Shire Town, except in the City of Saint John, where no meeting shall be held at the Shire Town; the Town Clerks shall preside in the other

Parishes, unless there are several polling places in a Parish, when the Sheriff shall prescribe the polling place at which the Town Clerk shall preside, (being the nearest to his residence,) and appoint by writing under his hand and seal, a fit person at any other place, of which appointment due notice shall be given by the Sheriff to the Collectors of Rates.

3. The Collectors of Rates in each Parish shall at least ten days previous to the day appointed for such meeting, furnish the officer appointed to preside thereat with a correct alphabetical list, under oath, of all the rate-payers upon property within such Parish, who were rated for Parish and County rates at the last assessment, and on failing to deliver such list, he or they may be committed by two Justices of the Peace to the County gaol; there to remain without bail or mainprise until such list is furnished.

4. At such meeting it shall be put to vote whether the County shall or shall not be incorporated, and the presiding officer shall take down in writing the names of all resident freeholders, householders, and rate-payers upon property, who shall vote on the question, and shall state, whether they vote in the affirmative or negative; the Sheriff shall, after taking the question, adjourn the meeting at the Shire Town to some day not more than six days after the first meeting: If the application to be incorporate the County of Saints John, the Sheriff of the City and County of Saint John shall at the time of giving the notice required in and by the first Section of this Act, also give notice of the time and place at which a meeting will be held at the said City of Saint John, for the purpose of casting up the votes given at the said meetings in the County of Saint John and declaring the result thereof.

5. The Town or Parish Clerks, or other officer presiding in the several Parishes, shall within two days after the meeting return to the Sheriff of the County, enclosed and sealed, the list of the names of those voting both for and against the incorporation of the County, and the Sheriff shall, on the day to which the meeting at the Shire Town shall have been adjourned, cast up the number of votes at the several meetings in the County, and shall then publicly declare the number of votes in the affirmative and negative on the said question.

6. If a majority of those voting on the question shall have voted in the affirmative, the Sheriff shall certify the same under his hand and seal to the Lieutenant Governor in Council.

7. The Governor in Council, on receiving such certificate, shall grant to such County a Charter of Incorporation under the Great Seal of the Province, constituting the rate-payers on property therein a body politic and corporate, by the name of "The Municipality of _____" (naming the County,) and by that name shall have perpetual succession and a common seal, and may sue and be sued, may hold real property within its limits not exceeding at any one time the yearly value of five hundred pounds, and may alienate the same, and enjoy all the powers and privileges necessary for the purpose.

8. The Provincial Secretary shall send every Charter issued to the Sheriff of the County incorporated thereby, who shall give notice of the time and places in the different Parishes of

holding the first election of Councillors; which notice shall be at least fifteen days before the time appointed for holding the election.

9. If it be decided that the County shall not be incorporated, subsequent meetings may be called at any time after three months from the preceding meeting, on the like petition and similar notice for taking the question again into consideration as hereinbefore prescribed.

10. All official expenses attending the holding the several meetings for the purpose of ascertaining whether a County shall be incorporated, and for the purpose of making the returns thereof as required by law, shall be laid before the General Sessions for the County, and after being audited by such Sessions, shall be ordered to be paid out of the County contingencies.

11. If the election takes place before the second semi-annual meeting, the payment of rates for the year preceding shall qualify the rate-payers; and in any case, the Chairman of the meeting shall immediately after the election return the names of the Councillors elected to the Sheriff; and the Councillors shall at the time appointed by the Sheriff assemble at the Court House, elect a Warden, and organize the Corporation.

12. If the Councillors are elected on or after the second semi-annual meeting holden on the third Tuesday in July in any year, they shall continue in office until the last Tuesday in December in the year next following, when the first annual election shall take place.

13. If any Parish fail to elect Councillors for the first Council, or at any time after, an election may be holden at any time on ten days notice being given by the Warden; and the election shall be conducted in the same manner in all respects as if holden at the proper time; and the Councillors so elected shall enjoy all the like powers and immunities as if elected at the proper time.

14. The Councillors shall be hereafter elected on the last Tuesday in December in every year, instead of the time now prescribed.

15. The Council may make bye laws for the good rule and government of the Municipality, and of all persons resident or being therein, and for the management and regulation of the local, municipal, fiscal, prudential, and sanitary affairs thereof, and prescribe such penalties for the breach of any bye law as may be deemed advisable.

16. The Secretary Treasurer shall forthwith on the passing of each bye law by the Council, transmit a copy to the Provincial Secretary, who shall endorse thereon the day of its receipt, audit shall not be of force until the expiration of sixty days thereafter: The Governor in Council within that period may disallow the same; and such disallowance, with a certificate of the day of the receipt, shall forthwith be transmitted by the Provincial Secretary to the Secretary Treasurer, and if disallowed the bye law shall be void.

17. Every such bye law shall continue in force for three years unless the Council prescribe a less period, but it may be continued by bye law in the usual way.

18. When the assent of the Governor in Council is given to any bye law, it shall be deemed valid, obligatory, and to have been enacted within the scope of the authority of the Council, unless repugnant to law.
19. The assent of the Governor in Council to the allowance of any bye law, may be proved by production of the official note of the Provincial Secretary or his deputy, or by an endorsement of allowance thereon signed in the same manner, and proof of the incorporation of the Municipality, by production of the Charter under the Seal of the Province.
20. Every bye law made to continue an existing bye law, shall remain in force from the time of its being passed by the Council until disallowed by the Governor in Council, if so disallowed.
21. In case of the death or absence from the Province of the Warden, the Secretary Treasurer on the application of five members of the Council, may call a special meeting of the Council, in the same manner and for the like purpose as the Warden on the application of four members.
22. An Act passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act to alter and amend the Act providing for the establishment of Municipal authorities in this Province*, and also an Act passed in the eighteenth year of the same Reign, intituled *An Act to enable a majority of the rate-payers upon property to establish a Municipality in any County*, and the parts of any other Act inconsistent with the provisions of this Act, be and the same are hereby repealed.