

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1859. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1859.

22 Victoria – Chapter 8

An Act to alter and amend the Act to incorporate the City Fredericton. Passed 13th April 1859.

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

1. That an Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to repeal the several Acts for incorporating the City of Fredericton, and to make other provisions in lieu thereof*; and also the second Section of an Act made and passed in the same year of Her Majesty's Reign, intituled *An Act to provide for the appointment of Commissioners of the Alms House and Work House for the County of York*, are hereby repealed: Provided that all elections of Mayor, City Councillors, and Assessors, and all appointments of City Officers made under the authority of either of the said Acts, shall remain valid and effectual until others are elected or appointed in their stead under the provisions of this Act; and that all assessments of rates heretofore made upon the said City and not yet collected, and all fines and penalties heretofore imposed under the authority of either of the said Acts, may be proceeded for, collected, and applied in the same manner as if the said Acts had not been repealed; and that all bonds, recognizances, judgments, leases, conveyances and contracts executed by the authority of, or recovered by or against the City Council, shall remain valid and effectual for all purposes; and all bye laws, roles, and ordinances, and every act done under the authority of either of the said Acts, shall remain as valid and effectual as if the said Acts had not been repealed.

2. From and after the passing of this Act, all the inhabitants of that part of the County of York which is bounded as follows—Northeasterly by high water mark on the northeastern bank of the River Saint John, southeasterly by the dividing line of the Counties of York and Sunbury, northwesterly by the lower line of the Parish of Kingsclear and its northeasterly prolongation, and southwesterly by the Parish of New Maryland—shall be a City Corporate, by the name of ‘The City of Fredericton,’ and shall have perpetual succession, and a common Seal, with power to alter the same, and shall be capable of suing and being sued, and of purchasing and holding lands 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 act incident to such Corporation, subject to the provisions hereinafter mentioned.

3. For the purposes of this Act, the said City shall be and is hereby divided into five Wards, to be severally bounded as follows:—

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

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

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

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

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

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

5. There shall be annually elected at the time hereinafter appointed for the election of Councillors, one Assessor for each Ward; no person shall be eligible for that office unless he be resident in the City, and qualified to the extent required by this Act in the case of a Councillor.

6. No person shall be qualified to be elected or to serve as Mayor, Councillor, or Assessor for the City, unless at the time of his election he be resident within the City, a British subject of the age of twenty one years, and shall have been assessed in the assessment next preceding such election for real or personal estate, or both, within the said City, to the value of two hundred and fifty pounds or upwards, and shall have paid before the time of such election all rates and taxes legally due from him within the City.

7. No person shall be qualified to vote at any election for Mayor, Councillors, or Assessors, unless he is a British subject of the 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 City, to the value of fifty pounds or upwards, or for income to the amount of twenty five pounds, and shall have paid, twenty days before the day of such election, all rates and taxes legally due from him within the City.

8. No person shall be qualified to be elected to or to serve in the office of Mayor or Councillor so long as he shall hold any office or place of profit in the gift or disposal of the City Council, nor during such time as he shall by himself or his partner, or in any other manner, directly or indirectly, have any share or interest in any contract or employment with or on behalf of the City Council; nor shall any Minister or Teacher of any religious denomination, nor any person accountable for the City Revenues or any part thereof, nor any officer or person presiding at an election of a Mayor, or Councillor, or Assessor, while so presiding, nor any Clerk or Assistant employed by him at any such election, while so employed, be elected to the office of Mayor or Councillor in the said City; but no person shall be disqualified to serve as Mayor or Councillor by reason of his being a proprietor or shareholder in any Company which shall or may contract with the City Council for lighting, supplying with water, or insuring against fire, any part of the said City, or by reason of his holding any lease of land from the Corporation.

9. No person elected to serve as Mayor, Councillor, or Assessor, who is above the age of sixty five years, or who shall have already served in or paid the fine for the non- acceptance of such office, within five years next preceding the day on which he shall be so elected, shall be liable to a fine for the non-acceptance of such office; and no Military, Naval, or Marine Officer, in Her Majesty's service, on full pay, nor a Member of the Legislature, the Postmaster General nor his Deputies, nor Revenue Officers, Sheriffs, Coroners, Clerks in Public, Civil, or Military Departments, nor Schoolmasters, shall be liable to serve in any such office, or in any other office within the City.

10. From and after the passing of this Act, the annual election of Mayor shall be held on the second Monday in January in each year, and the annual elections for Councillors and Assessors shall be held on the fourth Monday in January in each year.

11. Every election for Mayor, Councillors, and Assessors, after due notice as hereinafter directed, shall be held as follows, that is to say—For the election of Mayor, at one convenient place in the City; and for the election of Councillors and Assessors, in one convenient place in each of the several Wards, and before such persons as shall be appointed for that purpose by the City Council; or by the

Sheriff of the County of York, or by the City Clerk, in case of the neglect or refusal of the City Council to make such appointment.

12. Public notice of the time and place for holding every such election shall be given by the City Clerk in one or more of the Newspapers printed in the City, and by printed handbills to be posted up in the several Wards thereof, for not less than ten days previous to such elections.

13. At every election to be held under this Act, and before the polling commences, there shall be nominated by any elector, producing his qualification as such, out of the persons capable of being elected, including the Mayor, Councillors, and Assessors then in office, one or more persons for the office of Mayor, two or more persons for the office of Councillors in each Ward, and one or more persons for the office of Assessor in each Ward; and no votes shall be counted except those given for one or some of the persons so nominated.

14. The evidence required of assessment for property and of payment of rates thereon, shall be a receipt from the City Treasurer or the Collector of Rates, who shall furnish the same on demand, under the penalty of forty shillings for each refusal; which receipt shall state the value of property or income assessed against the person therein named, and an acknowledgment that the rates due by such person, in respect to such assessment, have been paid.

15. Every person desirous of nominating any person for the office of Mayor, Councillors, or Assessors, or of voting at any election for Mayor, or Councillors, or Assessors, before being permitted to nominate or vote, shall deliver to the officer holding such election, a receipt from the City Treasurer or Collector of Rates, as provided by the fourteenth Section of this Act, (unless such receipt be already filed in the office of the City Clerk, in which case a memorandum thereof, signed by the City Clerk or his Deputy, shall be delivered,) and also, if required by the presiding officer, or by any of the Candidates, or by any duly qualified elector, shall make oath or affirmation before the presiding officer in the form following:—

I, A. B., do swear (or affirm) that I am a British subject, of the age of twenty one years, and that I am the person named in the receipt now exhibited (or heretofore filed) by me, that I am qualified by Law to vote, and that I have not before voted at this Election.—So help me God.

And whenever an elector shall be so sworn the presiding officer shall note the same in his Poll Book.

16. If any person shall knowingly swear or affirm falsely in taking any or either of the oaths, or in making the affirmations prescribed by this Act, he shall be deemed guilty of wilful and corrupt perjury.

17. At any election for Councillors or Assessors, every elector shall vote in the Ward in which he resides, or in which he shall have been assessed next preceding such election for real estate to the value of fifty pounds, and any person voting more than once at any election shall be liable to a penalty of five pounds.

18. All voting shall be by ballot, and separate boxes shall be provided for the reception of the separate tickets for each office to be filled; if in sorting the votes it shall be found that 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 and destroyed.

19. The Court for nomination of candidates or persons proposed at any election, shall be opened at nine o'clock in the forenoon by the officer appointed to hold such election, and the poll shall open at ten o'clock in the forenoon, and shall continue open until four o'clock in the afternoon of the same day, unless sooner closed as hereinafter provided; the name of each elector voting shall be written in poll lists to be kept by the presiding officer, and after finally closing the poll the said officer shall forthwith, in the presence of the candidates, proceed to ascertain, and immediately after publicly declare, the number of votes given for each of the candidates or persons for whom votes have been given, and he shall also then publicly declare the person or persons having the majority of votes to be duly elected: The presiding officer, whether otherwise qualified or not, shall give a casting vote in cases when it may be necessary to determine the election.

20. The presiding officer shall not be bound to keep the poll open until four o'clock in the afternoon in any case when no more candidates have been proposed than may be necessary to be then elected, but in such case he may immediately after ten o'clock in the forenoon close the poll, and declare such candidate or candidates to be duly elected: If no vote shall be polled or offered during any one hour after twelve o'clock, the presiding officer shall close the poll at the expiration of such hour, and proceed to ascertain and examine the votes and declare the persons elected, in the manner hereinbefore directed.

21. Every officer holding any such elections shall be a peace officer on that occasion, and shall have power and authority to maintain order and preserve the peace, and all persons are required to aid and assist him therein, and every person neglecting or refusing to give such aid and assistance when thereunto required, shall be guilty of a misdemeanor; and if any person shall disturb the peace and order at any such election, or in anywise interrupt the poll or the business thereof, or wilfully obstruct or threaten any person coming to vote, the presiding officer may on view, or on oath of one credible witness, (which oath the said officer is hereby empowered to administer,) forthwith order such person into custody, or commit him to prison by warrant in writing, directed to the Sheriff or his Deputy, or to any Constable within the City, which warrant shall be forthwith obeyed under a penalty not exceeding ten pounds; such restraint or imprisonment shall not continue more than forty eight hours after the close of the poll, and the person so guilty of such disorderly conduct or of disturbing or interrupting the poll, shall be liable, notwithstanding such restraint and imprisonment, to be otherwise prosecuted and punished as if no such arrest had been made.

22. The presiding officer shall immediately after the election make a return to the City Clerk of the name or names of the persons declared by him duly elected; and in case of the election of Mayor, a certificate of such election, under the hand of the City Clerk, shall be forthwith transmitted to the Office of the Provincial Secretary.

23. The poll lists kept at every election, and the receipts delivered in by the electors, shall on the day next after such election, (unless such be Sunday, Christmas Day, or Good Friday, and then on the day next thereafter,) be delivered by the presiding officers to the City Clerk, to remain in his office, where they shall be open for inspection to any elector on the payment of one shilling.

24. If any candidate or duly qualified elector be dissatisfied with the decision of the presiding officer in any election for Mayor, Councillors, or Assessors, such candidate or elector shall, within ten days after such election, make application in writing, through the City Clerk, to the City Council, setting forth the cause of complaint, and demanding an investigation thereof; and the City Council, on notice in writing from the City Clerk, shall assemble and examine and determine such complaint without delay; but the Mayor or Councillors whose return or seat is in dispute, shall not vote on the examination of such complaint. : If it shall appear to the City Council, by satisfactory evidence, that any person has been returned, and is serving as Mayor, Councillor, or Assessor, contrary to the provisions of this Act, the City Council shall declare his election to be void, and shall direct a new election to be held to supply his place.

25. Every person elected to the office of Mayor, Councillor, or Assessor, within five days after receiving notice of his election, shall accept the office to which he shall be so elected, and take the oath of office, under a penalty of ten pounds currency for non-acceptance of the office of Mayor, or of five pounds for non-acceptance of the office of Councillor, or of three pounds for non-acceptance of the office of Assessor. The election to any of the said offices shall be held prima fade evidence of qualification on the part of the person so elected, unless he shall make affidavit before the Mayor for the time being, or before any Justice of the Peace for the County of York, that he is not possessed of the qualification required by this Act in some particular, to be stated in such affidavit.

26. If any person duly elected to the office of Mayor, Councillor, or Assessor, shall neglect or refuse to accept the same within the time limited, and to take the oath of office, the said office shall be deemed vacant, and shall be filled up by a new election to be made in the manner hereinafter provided.

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

28. The Mayor, Councillors, and Assessors respectively, shall take the following oath of office:—

I, _____ do swear (or affirm, as the case may be,) that I am qualified, as by Law required, for the office of _____ to which I have been elected; that I am a British subject of the age of twenty one years; that I am seized and possessed of property to the value of at least two hundred and fifty pounds currency, within this City, 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 _____ while I hold the same.—So help me God.

29. Every person duly elected to the office of Mayor and accepting the same, by taking the prescribed oath, shall remain in office as such Mayor until he die, resign, or become disqualified as hereinafter provided, or until another person be sworn into office in his stead; and if any person holding the office of Mayor be re-elected thereto, it shall not be necessary for him to be again sworn into office.

30. If any person shall be elected as Councillor for more than one Ward of the City, he shall within three days after receiving notice thereof, make his selection and declare for which Ward he will serve, or, on his default, the Mayor shall declare for which Ward such person shall serve as Councillor; and thereupon such person shall be held to have been elected in that Ward only and in no other, and another election shall thereupon be held in the Ward or Wards for which such person shall not have been selected or not have been declared elected to serve, as in other cases of extraordinary vacancies.

31. If any person holding the office of Mayor or Councillor shall be declared a Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound with his creditors by deed or other writing, or shall remove his place of residence without the limits of the City, or shall be absent from the City or from the meetings of the City Council for more than two months at any one time, (except in cases of illness, or by leave of the City Council,) such person shall immediately be disqualified, and shall cease to hold his said office, and his place shall be filled up by a new election; and in the case of such absence, he shall be liable to the same fine, to be recovered and applied in the same manner as if he had neglected or refused to accept the said office as hereinbefore mentioned.

32. The Mayor, Councillors, and Assessors, at any time after having taken the oath of office, may resign such office upon the payment of a fine of ten pounds in case of the resignation of Mayor, and of five pounds in case of the resignation of Councillors or Assessors, unless excused from the payment of the same by the City Council.

33. If any vacancy shall happen by the death, resignation, or disqualification of the Mayor, Councillor, or 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, within ten days after the vacancy occurs, direct the City Clerk to give public notice as hereinbefore provided, of the time and place for an election to supply the said vacancy or vacancies, and such election shall be held in the manner provided in and by this Act.

34. The Councillors and Assessors shall severally go out of office on the day hereinbefore prescribed for holding the annual elections; but all officers whose term of office shall then expire shall be eligible for immediate re-election, if qualified in other respects.

35. The Mayor shall keep a Book in which shall be entered a record of all proceedings had before him as Mayor, or as a Justice of the Peace; which Book, and all other books, documents and papers relating to the business of the City, shall on his going out of office be by him handed over to his successor; and all moneys which may then be in his hands belonging to the City shall be immediately paid over to the City Treasurer, under a penalty not exceeding one hundred pounds, to be recovered before any Court of competent jurisdiction.

36. There shall be in each year four quarterly meetings of the City Council, which shall be held on such days as shall be provided by any bye law.

37. The Mayor may call a special meeting of the City Council whenever he thinks proper, or upon requisition presented to him for that purpose signed by any three members of the Council: In case of the death, disqualification, resignation, or absence of the Mayor, or if he shall neglect or refuse to call a meeting upon such requisition, any three members of the said Council may call such meeting: Notices of all meetings shall be issued by the City Clerk, and addressed to each member of the City Council.

38. Notice in writing of all special meetings of the Council shall specify the business to be transacted thereat, and shall be delivered to or left at the usual place of abode of every member of the Council one day at least before the day appointed for such meeting: If all the members of the Council be present at any such meeting, the Council shall then be competent to deal with any matter of business, whether mentioned in such notice or not.

39. In all meetings of the City Council, six members, with the Mayor or Chairman, shall constitute a Court for the transaction of business; and a majority of the members present shall determine the questions and matters submitted for consideration: The City Clerk shall keep a Minute of the proceedings, in which he shall enter the names of the members present at the opening or during the continuance of such meeting; and the persons whose names have been so entered shall be deemed to be present until the meeting shall be adjourned or dissolved by the presiding officer; and the rules, orders, regulations, enactments and decisions of such meeting, shall be legal, notwithstanding some of the members may have withdrawn therefrom previous to such adjournment; at any adjourned meeting, six members of the Council, with the Mayor or Chairman, must be present at the commencement of the said adjourned meeting.

40. All meetings of the City Council shall be public: 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; the Mayor or Chairman so presiding shall not vote upon any question, except in case of equal divisions, when he shall have the casting vote.

41. The Minutes of proceedings of all meetings of the Council shall be entered in a Book to be kept for that purpose by the City Clerk, and shall be signed by the Mayor or Chairman presiding; such book shall be open to the inspection of any person on payment of a fee of one shilling to the City Clerk.

42. If at any meeting of the City Council any member thereof shall be guilty of grossly violent or improper conduct, or shall make use of language indecent or profane, or insulting to any member of the Council present, the Council, if seven members besides the offender be then present and concur in the sentence, may expel such offending Councillor from the City Council, or another meeting may be summoned to adjudicate upon the subject, the time and object thereof being previously notified in writing to every member, as in the case of other special meetings: If seven members, besides the offender, be present at such meeting, they shall have power, after due proof of the offence, (in such manner as may be determined at such meeting) to punish him by reprimand, fine, or expulsion, as any seven of the members then present shall think fit: In case of expulsion, the person so expelled shall cease to be a member of the City Council, and shall forfeit all rights, powers, and privileges enjoyed by him as such; and the Mayor shall immediately order a new election to supply the vacancy: In case a fine shall be imposed it shall in no case be more than five pounds, to be recovered, with costs, in the name of the City Treasurer, in a summary manner before a competent Court, in which a certificate, under the hand and seal of the City Clerk, shall be conclusive evidence of the defendant's liability; which certificate the said City Clerk shall furnish without fee.

43. Any meeting of the Council maybe adjourned from day to day for three days in the whole, and no longer, except when Sunday, Christmas day, Good Friday, or any other Public Fast day, happens upon one of the days to which the Council might otherwise have adjourned, when they may adjourn over to the next day.

44. The City Council may appoint from their own body such Committees, consisting of such number of persons as they may think fit, for the discharge of such business and duties as the Council may prescribe, subject in all things to the approval and control of the Council: In all questions coming before such Committees, a majority shall decide, provided a majority of the Committee be present.

45. The City Council at the first meeting after every annual election, or at any subsequent meeting, may appoint from time to time out of the inhabitants of the City, a City Clerk—who shall also be the Law adviser of the City Council, and whose duties and responsibilities in relation to the City, and to all the officers to be appointed within the same, shall in all respects be the same as the duties and responsibilities of the Clerk of the Peace of any County of this Province—an Auditor, a City Treasurer, a Commissioner of the Alms House, a City Marshal, a Wharfinger and Harbour Master, Trustees of Schools, and so many Inspectors and Weighers of Flour and Meal, Surveyors of Lumber, Constables, Surveyors of Roads, Collectors of Rates, Clerks of the Markets, Pound Keepers, Fence Viewers, and other officers, as may be necessary to carry out the powers vested in the City Council, and to remove or displace any of the said officers and appoint others in their stead, and to grant compensation to such officers for their services, and to define their duties, and their respective terms of office, which, except in the cases of the City Clerk and Treasurer, shall not be longer than one year unless they be

re-appointed: The City Council may also impose penalties for the non-performance of duties, non-acceptance of office, or other misdoings of such officers.

46. No person shall be capable of acting in any office to which he may be appointed by the City Council, until he shall have been sworn or have affirmed 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, so long as he shall hold the same.

47. No person shall be capable of acting in any office or capacity accountable for the City revenues or any part thereof, until he shall have entered into a bond to the City, with two sufficient sureties to be approved by the City Council, in such form and for such penal sums as the Mayor shall approve or any bye law prescribe, conditioned to account for and pay over to the City Treasurer all moneys received by him on behalf of the City: The City Treasurer, before entering upon the duties of his office, shall enter into a bond to the City, with two or more sureties to be approved by the City Council, in the sum of five hundred pounds, conditioned for the faithful performance of the duties of his office, and duly accounting for all moneys received by him on account, of the City.

48. The Inspectors and Weighers of Flour and Meal, and the Surveyors of Lumber, appointed by the City Council, having executed the bonds and taken the oaths respectively prescribed by the Revised Statutes, Title XVII, Chapters 94 and 96, shall have all the powers and be subject to all the regulations and penalties given to and imposed upon them respectively by such Chapters; and the Constables appointed by the City Council shall have power to act in any part of the County of York, and shall have all the power of Constables appointed for the County.

49. The City Treasurer shall receive all rates, taxes, assessments, fines, penalties, imposts, or other moneys payable by the inhabitants of the City, or received under this Act, or of any bye laws to be made by the City Council.

50. The City Treasurer shall not pay out any moneys otherwise than upon an order in writing of the Council, signed by the Mayor, or in his absence by the Councillor presiding at the meeting when such moneys were ordered to be paid, and countersigned by the City Clerk, or City Auditor, as the Council may direct by a bye law.

51. No Councillor shall receive any moneys 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 all moneys due by the said Corporation on any such account, shall be paid by the City Treasurer to the person or persons who shall have done such work, and who shall be entitled to such moneys, or to his or their order.

52. The City Council shall publish, for the information of the citizens, in one or more of the Newspapers published in the City, one month before the annual election of Mayor in each year, a full and detailed statement of the Receipts and Expenditure of the Corporation during the past year, in which statement the different sources of revenue and the amount received from each; the several appropriations made by the Council, the objects thereof, and the amounts 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 received thereunder, and a detailed account of the application thereof: such statements and accounts shall be made up to the thirtieth day of November preceding such publication, and be signed by the Mayor and City Auditor.

53. All Boards, Commissioners and Officers appointed by the City Council, and entrusted with the collection or expenditure of any moneys belonging to the Corporation, shall be accountable therefor to the City Council, in such manner as may be directed by the bye laws and ordinances of the City Council; and the books of account of the Corporation, shewing the amounts, particulars, and state, and also the receipt and expenditure of the property, funds, taxes, and effects belonging and accruing or payable to the said Corporation or any of its officers, shall be deposited and kept in the office of the City Clerk, and shall be open to the inspection of every elector of the City, during the usual office hours, on payment of one shilling for every such inspection.

54. The City Council, in addition to the general powers of making bye laws for the good government of the City, and the other powers incident thereto specially confirmed by this Act, shall have the sole power and authority, from time to time, to make, ordain, enact, revise, and alter and amend such laws as they may deem proper for the several purposes following, within the City, that is to say:—

1st. For regulating weights and measures in the public markets, and all other places within the City, according to the lawful standard, and to authorize the seizure and destruction of such as are not according to such standard:

2nd. To establish and regulate markets and fairs, and to grant licences to Butchers:

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

4th. To seize and destroy all tainted or unwholesome articles of food, and to punish persons exposing the same for sale within the City:

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

6th. To regulate the measurement and weight of coal, lime, and salt, boards, cordwood and other fuel, clapboards, shingles, laths, and other lumber:

7th. To regulate the trade of Bakers, the assize of bread, and provide for the seizure of bread baked contrary thereto:

8th. To regulate the anchorage, lading, and unloading of Vessels and other craft, arriving at the said City:

9th. To regulate and provide for the erection, management, rent, and occupation of wharves, piers, landings, and docks, and the toll to be paid for Vessels, Steamboats, and other Boats touching thereat, or using the same, and for goods and merchandize placed thereon, and to prevent the filling up or encumbering the River Saint John within the said City, or impeding the free navigation thereof:

10th. To regulate and establish ferries within the limits of, and belonging to the City, and to prevent obstructions to ferry landings:

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

12th. To enforce the due observance of the Sabbath, and punish vice, immorality and indecency in the streets or public places within the City:

13th. To preserve peace, health, and good order, and to prevent the spreading of infectious or other diseases:

14th. To prevent cruelty to animals:

15th. To licence, regulate, or prevent bowling alleys or other places of amusements, and to restrain or suppress gambling houses, and to enter into them and seize and destroy all devices of gambling:

16th. To restrain and punish vagrants, drunkards, mendicants, and street beggars:

17th. To restrain or regulate the licencing of all exhibitions of natural or artificial curiosities, and all theatres, circuses, or other shows, for hire or profit:

18th. To establish and regulate pounds, and the fees to be taken thereat:

19th. To restrain, regulate, or prevent the running at large of horses, cattle, swine, goats, sheep, geese, and poultry, and to empound the same:

20th. To impose a tax on the owners or harbourers of dogs, and to establish a summary mode of recovering such tax; to regulate and prevent dogs running at large, and to provide for killing such as are found running at large contrary to any law or bye law, after public notice given:

21st. To abate and cause to be removed all public nuisances, and all filth or encumbrances on the streets or elsewhere within the City:

22nd. To regulate the construction of privy vaults and sinks on private property:

23rd. To cause vacant lots in central situations to be properly enclosed at the expense of the owner, and to recover such expenses with costs in a summary manner:

24th. To regulate and prevent the erection or continuance of slaughter houses, distilleries, tanneries, and manufactories or trades which may be likely to become nuisances:

25th. To purchase, enclose, plant, lay out, and adorn any public square, park, or ground, for the use of the City, and to make rules for the management and preservation thereof:

26th. To prevent the injury of trees planted within any of the streets or public grounds of the City:

27th. To prevent immoderate driving or riding within the City:

28th. To establish bathing houses, and prevent or regulate bathing within the City:

29th. To regulate and licence owners of livery stables or other owners of horses or carriages letting out the same for hire, and also porters, hucksters, and pedlars:

30th. To establish and regulate a police for the City, and take up and arrest vagrants, and idle and disorderly persons, and order them to be set to work on the street or committed to the work house or common gaol for a term not exceeding ninety days at any one time:

31st. To provide for the erection or establishment and management of any house of refuge, hospital work house, or house of correction in the City:

32nd. To erect, preserve and regulate public cisterns, reservoirs, pumps, wells, and other conveniences for the supply of water or for the extinguishing of fires, and to make reasonable charges for the use thereof:

33rd. To prevent or regulate the keeping or transporting of gunpowder, or other combustible or dangerous substances, and the firing of guns, the setting off of squibs, or other fire works:

34th. To prevent or regulate the use of fire, lights, or candles in stables, and in cabinet makers' and carpenters' shops, and in other places where combustible substances are kept:

35th. To regulate the carrying on of manufactures or trades dangerous in causing or promoting fire:

36th. To enforce the proper sweeping or cleaning of chimneys, and to regulate and require the safe keeping of ashes:

37th. To provide for the security, safety, and advantage of the inhabitants, by such rules, 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 City:

38th. To regulate the construction of any chimney, flue, fire place, stove, oven, boiler, or other apparatus or thing, in any house, manufactory, or business which may be dangerous in causing or promoting fires:

39th. To appoint firewards and other officers connected with a fire department, and to make rules and regulations defining their powers and duties:

40th. To establish and regulate engine companies and other fire companies, and to grant exemptions and immunities to the officers and members thereof:

41st. To make regulations for preventing and suppressing fires, and enforcing the assistance of the inhabitants, and for pulling down or destroying houses, and remunerating the owners thereof in certain circumstances:

42nd. To regulate the management and provide for the security of the public property of every kind belonging to the said City, and to provide for the permanent improvement of the said City in all matters as well ornamental as useful:

43rd. To provide for the erection, preservation, and security of lamps, lamp posts, sign boards, and other fixtures within the City:

44th. To make regulations for the trial of contested Elections:

45th. To provide for the expense of lighting the City, and to compel the proprietors or occupiers of real property to permit such work and fixtures as may be necessary for that purpose, to be done or placed in and about their premises at the expense of the City, and to provide for the erection of all works connected with such lighting: And generally, to make all such laws and ordinances as may be necessary and proper for carrying into execution the powers herein vested, or that may hereafter be vested in the said City Council, or in any officer or department of the same, subject to the limitations hereinafter prescribed.

55. The City Council may, by any bye laws, rules, or regulations, impose such fines and penalties, and ordain such forfeitures, as they may deem necessary for the non-observance or breach of any bye law, rule, or regulation, not to exceed in any case the sum of twenty five pounds.

56. The City Council shall have the sole and exclusive power to open, lay out, regulate, repair, and clean the streets, roads, lanes, alleys, squares, commons, and public landings now existing, or that may hereafter be found necessary within the City; and to construct drains, sewers, culverts, and bridges therein, and to prevent the encumbering, injuring, obstructing, defacing, or encroaching upon the same in any manner; and to make and ordain bye laws and regulations for the confiscation, sale, removal, or destruction of any such encumbrances, or any nuisance thereon; and to impose penalties on the owners or persons placing the same thereon, and to recover the same as hereinafter provided; and to regulate the breaking of the roads and streets of the said City in the Winter, and the putting of bushes in the ice in the River Saint John in front of the City; and to provide for making or repairing any common sewer, drain, flagging, or pavement, in any street, highway,

square, or place, and the making of any common sewer or drain through private property, and for assessing the proprietors or lessees of such real property as will be immediately benefited by such improvements, and to regulate the time and manner in which such assessment shall be collected and paid; for directing and causing the removal at anytime of any erections, projections, or obstructions whatsoever, which may project into or over any 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; but nothing herein contained shall authorize the opening of any street, road, highway, drain or sewer through the private property of any person, without paying the damages occasioned thereby, to be ascertained in the manner directed for that purpose by the Acts of Assembly relating to Highways then in force.

57. The City Council shall have the power to erect and build such wharves and piers in the River Saint John, within the limits of the City, as they shall think necessary; but they shall not interfere with or impose any restrictions upon the lading, unloading, or mooring of vessels or boats on the northeastern shore of the said River, or within five hundred feet from the line of low water mark therein, except to prevent the obstruction of any public landing; provided that nothing herein contained shall impair or diminish the municipal rights of the said City within the limits thereof, or the power to regulate ferry boats landing on the said northeastern shore.

58. No person shall be permitted to exercise or carry on the business of an Auctioneer within the limits of the said City until he shall have first taken out a licence therefor, and paid such sum as the City Council may direct or impose.

59. The City Council may direct the assessing, levying, collecting, and applying such moneys as may be required for the execution of the powers vested in the City Council, in such manner as may be provided by any bye law of the City, either by imposing tolls and rates to be paid in respect of any public works or of other thing within the City, or by means of any rate or assessment to be assessed and levied on real or personal property, or both, within the City; or upon the owners or occupiers thereof in respect of such property, or upon the income of the inhabitants of the City derived from any trade, profession or calling within the Province, or upon the poll of the inhabitants; or upon the sale of goods by public auction within the said City, or upon the capital stock or other trading capital of any Bank, Banking Company, Insurance or other trading or joint stock Company or Corporation, or upon the Agencies of Foreign Companies whose principal place of business is not within the Province.

60. The property in, and the inhabitants of that part of the City lying in rear of the line dividing the second and third ranges of pasture lots, and its prolongation southeasterly to the River Saint John, and northwesterly to the prolongation of the upper or northwesterly sideline of land heretofore granted to Samuel Ferris, and above the said last mentioned line and its prolongation northeasterly to the said River, shall be exempt from taxation under this Act, except for the support of the poor, making and repairing streets and highways, and the administration of justice; the Council may also remit so much of the rates imposed upon mills and other manufacturing establishments within the City, as they shall deem just and reasonable; provided also, that the property of any Literary,

Religious, Ecclesiastical, or Eleemosynary Society, Corporation, or Institutions, shall be exempt from any assessment under this Act.

61. Immediately after the Assessors are sworn into office they shall give public notice thereof in one or more of the Newspapers printed in the City; and any person assessed in the City, may within fourteen days after the publication of such notice, give to the said Assessors a statement under oath before the Mayor or a Justice of the Peace of his property and income, in the manner prescribed by the Revised Statutes, Title VIII, Chapter 53, Section 20, and such person shall be rated accordingly: The Assessors, at the expiration of fourteen days as aforesaid, shall assess or appraise the real and personal estate of the inhabitants of the City, and of nonresidents having property therein, and the income of the said inhabitants derived from any trade, profession, or calling within the Province, but not from real or personal property, and shall file with the City Clerk a roll or list of such assessment, to be prepared in such form as the City Council may determine.

62. For the purposes of assessments every person carrying on business in the City shall be deemed an inhabitant thereof, and the President or other chief Officer, or the Cashier, Agent, or Manager of any Company or Corporation, shall be deemed and be assessed as the owner of its capital stock, but such assessment shall be made separate and distinct from the personal assessment of such President, chief Officer, Agent or Manager: The name, style or form 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 amount assessed 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. The construction of the terms 'Real Estate' and 'Personal Estate,' shall in all respects be the same as prescribed in the Revised Statutes, Title VIII, Chapter 53.

64. Whenever the City Council order any sum of money to be raised by rates or assessment upon the City, they may appoint one or more of the Assessors then in office to make the apportionment of such rates according to the list filed by the Assessors with the City Clerk.

65. The City Council may regulate by a bye law the time and manner of collecting the rates upon any assessment, and allow a reasonable discount for the prompt payment of such rates before the list or book is placed in the hands of the Collector, and may establish a summary method for recovering the rates due from defaulters; but no execution shall issue against any such defaulter 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 testimony, on oath.

66. No person who may be imprisoned for default in the payment of rates, shall be detained more than one day for every two shillings of the amount directed to be levied, nor more than fifty days in

the whole, if the amount exceed five pounds, at the expiration of such time he shall be discharged, but the execution shall remain in force against his property for two years from the date thereof; no person so imprisoned shall be entitled to the benefit of the gaol limits.

67. When any person assessed as a non-resident shall have a clerk or agent in the City, the notice of assessment may be delivered to such clerk or agent; if such non-resident shall not have any such clerk or agent, the City Clerk shall cause a list to be published in a Newspaper printed in the said City, containing the names of all such non-residents, and the amounts due from them respectively; such publication shall be continued for three months, excepting the names of those who may sooner pay the amounts due from them with their respective proportions of the expenses.

68. The Collector at the end of such three months' publication or delivery of the notice to a clerk or agent as aforesaid, shall make application to the Mayor, setting forth under oath the assessment and default: The Mayor shall, by Warrant under his hand and seal, direct the Sheriff, or a Coroner of the County of York, to sell at public auction to the highest bidder, first giving thirty days notice of such sale in a Newspaper printed in the said City, 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; the said Sheriff or Coroner shall make such sale and execute a deed to the purchaser of such property, his heirs and assigns, and deliver seizin and possession thereof.

69. Any person believing himself over assessed, or otherwise aggrieved by any assessment within the City, or the agent of any non-resident, may appeal to the City Council within twenty days after notice of assessment given as hereinbefore provided: The City Council shall give such relief as they shall deem just and equitable, by ordering a deduction to be made from the amount assessed, if the same has not been collected, or if collected to be repaid to the appellant.

70. Any rate or assessment with which any lands, tenements, or hereditaments in the City may be legally rated or assessed, may be levied 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 therefor by the terms of lease or agreement under which he holds or occupies such property, he may deduct or set off the sum so paid from the rent payable by him for such property, or may recover the same with costs from the said owner by action in any competent Court.

71. All debts that become due and payable to the said Corporation for any rate or assessment in the City, 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 of any person liable for such debt, be so held and adjudged in all Courts in this Province; such preference shall not extend beyond the amount due for two years, that is to say, the amount due for the then current year and the year next preceding.

72. If 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, the Assessors may correct such errors and supply such omissions at any time before another assessment is made for a similar purpose.

73. No assessment shall be deemed illegal although the aggregate amount thereof may exceed the amount ordered to be raised, if such excess do not amount to more than ten per cent.

74. All the powers vested in the Court of General Sessions for the County of York, or in the Municipal Council of the said County, by any Acts of the General Assembly of this Province enacted or to be enacted, for regulating Tavern keepers and wholesale dealers, or the sale of intoxicating liquors, shall be transferred to and vested in the City Council, so far as such laws may be applicable to the City of Fredericton; and the Mayor and each Councillor for the time being shall have power and authority to do any act or thing in respect of the said Acts within the said City, which are in the said Acts directed or permitted to be done by a Justice of the Peace: All penalties or fines recovered within the City for violation of the said laws, and all moneys exacted for granting licence under any of the said Acts, shall be paid to the City Treasurer for the use of the City: No General or Special Sessions, or the Municipality for the County of York, shall grant any such licence, or make any rules or regulations respecting the same, to be in force within the City.

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

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

77. The Municipality of the County of York and the City Council shall annually agree upon the amount to be paid by the City towards the expense of administering Justice in the County, which for the City shall not exceed the proportion that the population of the City bears to that of the County; and the City Treasurer shall pay over to the Treasurer of the Municipality the amount that may be so determined.

78. The Grand Jury of the County of York shall also be the Grand Jury or Inquest of the City.

79. The High Sheriff and the Registrar of Deeds and Wills for the County of York, and such of the Coroners of the said County as shall be resident in Fredericton, shall be respectively High Sheriff Registrar of Deeds and Wills, and Coroner or Coroners for the City; and the Common Gaol of the County of York shall be the Common Gaol of the City.

80. In all matters of a criminal nature the jurisdiction of the Court of General Sessions, and of Justices of the Peace, and of the Grand Jury as Grand Inquest of the County, shall continue in full force in the City, except in cases where by this Act the cognizance of such criminal matters has been vested in the Corporation or in some of its officers; but the said General Sessions, Justices, or Jurors, shall have no power to interfere with any of the fiscal or municipal affairs of the City.

81. The Mayor, during his continuance in office, shall be a Justice of the Inferior Court of Common Pleas in and for the County of York, and shall have and use all the powers and privileges incident to such office.

82. The Mayor, during his continuance in office, shall be, within the limits of the said City, a Justice of the Peace for the County of York, and shall have and exercise the same powers and authority within the said City as if he had been nominated and commissioned a Justice of the Peace, provided always that his authority as such Justice shall not in any matter, civil or criminal, extend beyond the limits of the said City.

83. The several Councillors of the City, while in office, shall also be Justices of the Peace within the said City, in the same manner and to the same extent as is provided in the ease of the Mayor.

84. The City Council may order such amount of salary to be paid to the Mayor (not exceeding fifty pounds per annum) as they may see fit; and all fees or costs accruing from the performance of his duties as Mayor shall be paid to the City Treasurer for the use of the City.

85. All fines, penalties, and forfeitures to be recovered by the provisions of this Act, or of any bye law now in force, or to be made and enacted under the authority hereof, shall and may he sued for, recovered, and enforced on the oath of one or more credible witness or witnesses, before the Mayor of the City, or in case of his absence from the City, or inability to attend from any other cause, before any two of the Councillors of the City; and all such fines, penalties, and forfeitures may be recovered, with the costs of prosecuting the same, to be charged in- accordance with the Revised Statutes, Title XLI, Chapter 163, 'Fees on summary convictions before Police and other Justices,' and in default of payment of such fines, penalties, or forfeitures, with the costs of prosecution, the same may be recovered either by a warrant of distress of the offender's goods and chattels, under the hands of the Mayor or Councillors presiding, or by commitment of the offender to the common gaol or house of correction for any period not exceeding six months, as the Mayor or Councillors may direct.

86. All complaints, suits, and prosecutions, shall be prosecuted by summons or warrant, in the discretion of the said Mayor or Councillors, in the name of the City Treasurer; and the proceedings shall be conducted in a summary way, and regulated by the provisions of any Act now or which may

hereafter be in force regulating summary proceedings or summary convictions before Justices of the Peace, so far as the same are applicable to the provisions of this Act; and judgment shall be given according to the very right of the matter, without regarding technical objections, imperfections, or defects, which do not affect the substantial justice of the case: All fines, penalties, and costs imposed by virtue of this Act, or any bye law of the said Corporation, shall, on the first Monday in each month, be paid over to the City Treasurer, and a detailed account thereof, under oath, shall at the same time be filed with the City Treasurer by the Mayor or Councillor paying such moneys, which oath any Justice of the Peace may administer.

87. In any action or other proceeding at law or in equity in which the said Corporation shall be a party, or in any manner interested, no citizen or officer of the said Corporation shall in consequence thereof be deemed an incompetent witness or juror, but the objection shall go only to his credibility.

88. The City Council shall have power to borrow a sum not exceeding five hundred pounds for the purpose of paying the present debt of the City, and to give a bond or bonds, or other security or securities, for the payment of the same.