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23 Victoria – Chapter 61

**An Act establishing and maintaining a General Public Hospital in the City of County of Saint John.
Passed 9th April 1860.**

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Whereas the establishment of A General Public Hospital in the City or County of Saint John has become a matter of necessity and public importance;—

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

1. It shall be lawful for the Common Council of the City of Saint John to appoint, and from time to time to remove, re-appoint, and replace, as may be found expedient, two fit and proper persons, resident in the City and County of Saint John, to be Commissioners for the purposes of this Act; and it shall also be lawful for the General Sessions of the Peace for the City and County of Saint John, or any Special Sessions for that purpose to be holden, to appoint, and also from time to time to remove, re-appoint, and replace, as may be found expedient, three other fit and proper persons, resident in the City and County of Saint John, to be Commissioners with the said other two Commissioners, for the purposes of this Act; any three of whom shall be a quorum for the transaction of business: The first appointment of such Commissioners shall be made within three months after the passing of this Act; and in case the said Common Council and General or Special Sessions, or either of them, shall fail to make such appointment within three months after the passing of this Act, the Governor in Council shall appoint such Commissioners from the inhabitants of the said City and County.

2. The said Commissioners and their successors shall be and they are hereby declared to be a body politic and corporate, by the name and style of "The Commissioners of the General Public Hospital in Saint John," and by that name shall have all the general powers and privileges made incident to a Corporation by an Act of Assembly of this Province, for the purpose of managing and controlling the said Hospital, its estate, property, and affairs.
3. The real and personal estate of the said Hospital shall alone be liable for the debts and engagements of the said Commissioners, as such Commissioners, for the purposes of the said Hospital; and the persons and private property of the said Commissioners, or any of them, shall in no case be subject to or affected by any such debts, liabilities or engagements of such Commissioners for the purposes aforesaid.
4. It shall be the duty of the said Commissioners, and they are hereby authorized and required to exercise a general, diligent, and efficient supervision, management and control of and over all the affairs, business, condition and estate of the said Hospital; to nominate and appoint, remove, displace and discharge all and such Physicians, Surgeons, Clerks, Nurses, Servants, Keepers, and other officers or persons, as they from time to time may deem necessary or expedient for duly carrying on the business and affairs of the said Hospital; to fix and determine the respective salaries, emoluments and allowances to be paid or allowed to the said Physicians, Surgeons, and other officers and servants; to provide and furnish all such medicines, provisions, fuel, materials, and things of every description, as in their judgment may be necessary for the due and efficient maintenance and business of the said Hospital; to fix and determine the rates to be paid by such patients as being able to make such payment may be desirous of admission and may be admitted into the said Hospital; to receive, demand, recover, and control all and all manner of moneys, payments, dues, emoluments, grants, devises or bequests of money or other property, gratuities, and perquisites whatsoever, which may at any time be given, granted, bequeathed, devised, paid, or become due and payable from any source whatsoever, in respect of or for the benefit and purposes of the said Hospital, and also all and all manner of moneys, rates, and dues raised, or to be raised, by any assessment or assessments under and by virtue of this Act; and to disburse and to expend such moneys in the purchase of such lands, and in the erection, repair, and maintenance of such buildings, as may from time to time be deemed necessary for the purposes of such Hospital, and in the payment of all and all manner of salaries, wages, emoluments, debts, liabilities and expenses of every description whatsoever, which may at any time be justly due or payable in respect of or for any of the purposes of the said Hospital under and by virtue of this Act.
5. The said Commissioners shall annually on or before the second Thursday in January in each and every year, cause a full, complete and perfect statement in detail, of the state and condition, affairs and transactions of the said Hospital, and of every department thereof, throughout the year ending on the preceding thirty first day of December, particularly stating in a tabular form the respective numbers of patients received, cured, relieved, died, discharged, and remaining, and the names of the Physicians, Surgeons, and other chief officers employed during the year, with such other information as may be deemed advisable; and also a just and detailed account of all receipts and expenditures for and on account of the said Hospital during such year, to be transmitted in triplicate to the Provincial Secretary for the information of the Governor in Council and the

Legislature; which statements and accounts shall be signed by the Chairman or President of the said Commissioners, and by their Clerk or Secretary, and shall be verified by the oath of at least one of the said Commissioners, who shall swear that the same are correct and true according to the best of his knowledge and belief; and an abstract of such statements and accounts shall also forthwith be published in one or more of the Newspapers published in the City of Saint John.

6. For the purpose of purchasing such lands, and erecting, completing and furnishing such buildings as may be deemed requisite and necessary for the purposes of such Hospital as aforesaid, the said Commissioners are hereby authorized and empowered to raise by loan a sum of money not exceeding seven thousand pounds, to be paid off and discharged by assessment upon the City and County of Saint John, as hereinafter provided, in twenty five years from the time of contracting such loan; the same to be taken in loans of not less than one hundred pounds each; and Debentures, with proper Coupons attached, in the form specified in Schedule A to this Act annexed, shall be prepared and delivered to the person or persons from whom such loan may be obtained, which same Debentures shall be negotiable in the same manner as promissory notes.

7. The Debentures shall be numbered consecutively, beginning with number one, and shall be signed by the Chairman or President of the said Commissioners, countersigned by their Clerk or Secretary, and verified by their common seal of office, but the Coupons may be signed by the said Chairman or President only.

8. The holders of such Debentures shall be entitled to receive interest for the same semi-annually, not exceeding six per centum per annum, to be paid by the said Commissioners or their Treasurer, at their office in the City of Saint John, upon the presentation of the proper Coupons therefor.

9. For the purpose of raising the necessary funds for the due support and management of the said Hospital, and also for the payment of the interest on the said loan of seven thousand pounds, the same shall be annually assessed and levied, together with the costs and expenses of assessing and collecting the same, upon the rateable inhabitants of the City and County of Saint John, in the manner and proportions following, that is to say, an equal tax of one shilling and three pence shall be assessed and levied upon the poll of every rateable male inhabitant of the said City and County, and a sum equivalent thereto shall be assessed and levied upon the real and personal property of the inhabitants of the said City and County; and all the moneys collected and realized from such tax shall be solely and exclusively appropriated to and expended in and for such support and management of the said Hospital, so far as the same may be required or as the amount of such moneys may allow; provided however, that any surplus of such moneys may be appropriated as hereinafter provided; and also a further tax of four hundred and twenty pounds, being the annual amount of such interest as aforesaid, shall be annually assessed and levied upon all real and personal estate and income situate, lying and being, or accruing within the said City and County; which said sum of four hundred and twenty pounds so levied in each year as aforesaid, shall be appropriated and applied in paying the semi-annual interest due and payable on the Debentures issued under and by virtue of this Act, and for no other purpose whatsoever.

10. It shall and may be lawful for the said Commissioners annually to issue their Warrant or Warrants to the several Assessors of the City of Saint John, and of the several Parishes in the County of Saint John, directing and requiring the said Assessors respectively to make the several rates and assessments mentioned and provided for in the preceding Section; which said rates and assessments shall be apportioned between the said City and the said several Parishes in the same proportion, and shall be levied and collected by the same Collectors and in the same manner as other Parish or County Rates are or may be apportioned, levied and collected by virtue of any Act or Acts of Assembly in force within the said City and County of Saint John, or of any Order or Resolution of the Sessions of the said City and County: The Warrants to be issued by the said Commissioners by virtue of this Act, shall be in the respective forms specified in Schedule D to this Act annexed, and shall be signed by the Chairman or President of the said Commissioners, and verified by their common seal of office.

11. The Assessors and Collectors of Taxes for the said City, and for the said several Parishes in the said County, shall perform the duties imposed upon them by virtue of this Act, under the same pains and penalties, and shall receive the same fees and allowances as in all other cases of assessing and collecting County or Parish Rates; and all moneys collected under and by virtue of this Act shall forthwith be paid over by the persons collecting the same to the said Commissioners, or to any Treasurer, or into any Bank appointed by them to receive the same.

12. It shall and may be lawful to and for the Sessions of the City and County of Saint John, and they are hereby required in the twenty fourth year after the time of the contracting of the said loan of seven thousand pounds hereinbefore mentioned, to assess, levy and collect the said sum of seven thousand pounds, or so much thereof with the interest as may then remain due and unpaid, together with the costs of levying and collecting the same, by a rate or assessment upon the rateable inhabitants of the said City and County of Saint John; the same to be assessed, levied and collected in such proportions and in the same manner as any other County or Parish Rates are or may be assessed, levied and collected by virtue of any Act or Acts of Assembly of this Province; and such amount when so collected shall be paid over by the said Sessions or their Treasurer to the said Commissioners before the expiration of the said term of twenty five years from the contracting of the said loan, to enable the said Commissioners to redeem the Debentures that may be then outstanding and unpaid.

13. It shall and may be lawful to and for the said Commissioners at any time in writing under their common seal, to make, frame, constitute, establish and ordain such bye laws, rules, ordinances and regulations as they may deem expedient for the management, governance and regulation of the said Hospital, its estate, affairs, business, officers, and servants, and all other persons connected therewith, and the same or any of them from time to time to amend, alter, abrogate, or repeal: provided always, that every such bye law, rule, ordinance and regulation shall be forthwith transmitted to the Governor in Council, who within three months from the receipt thereof shall confirm or disallow the same; and all such bye laws, rules, ordinances and regulations shall be in force until notice of such disallowance shall be transmitted to and received by the said Commissioners or their Clerk or Secretary.

14. If in any year the income of the said Hospital from such assessments as hereinbefore mentioned and provided, shall exceed the expenses thereof, the said Commissioners shall and may hold and retain the surplus as a reserve fund, to meet and supply any deficiency of such funds in any other year; and the said Commissioners are hereby also authorized and empowered to appropriate any such surplus, when not otherwise required, and also all and any other moneys, funds, emoluments, grants, bequests, gratuities or endowments of money, of every description whatsoever, which may lawfully come into their hands, power, or control, to the payment and redemption of Debentures, or in vesting and funding the same in such way and manner as they may deem most conducive and beneficial to the interests of the said Hospital and its estate.

15. It shall and may be lawful for the Governor in Council, at any time after this Act shall come into operation, to appoint a greater number of Commissioners than five for the purposes of this Act, if it shall be deemed expedient and advisable.

16. This Act shall be deemed, adjudged, and construed in all cases most favourably, and for the best benefit and advantage of the said Hospital, and for promoting the beneficial objects and interests thereof.

SCHEDULE A.
FORMS OF DEBENTURE AND COUPON.

PROVINCE OF NEW BRUNSWICK.

Number — £ — N. B. Currency.

Under the authority of the Legislature of New Brunswick.

The Commissioners of the General Public Hospital in the City of Saint John, promise to pay at their Office in the said City, to the bearer hereof, the sum of _____ pounds, current money of New Brunswick, twenty five years from the date hereof, and also interest from the same date at the rate of six per centum per annum, to be paid half-yearly, on the presentation of the proper Coupons for the same, as hereunto annexed, on the ___ day of _____ and the ___ day of _____ in each year, at the said office.

In testimony whereof, we the said Commissioners of the General Public Hospital in Saint John aforesaid, by virtue of the authority vested in us by the Act of the General Assembly of the said Province, intituled *An Act for establishing and maintaining a General Public Hospital in the City or County of Saint John*, have hereunto affixed our Seal of Office,
[L.S] and the Chairman [or President] of the said Commissioners hall hereunto set his hand, and the Clerk [or Secretary] of the said Commissioners has countersigned the same, this ___ day of _____ A. D. 18__.

A. B., Chairman, [or President.]

C. D., Clerk, [or Secretary.]

FORM OF COUPON.
PROVINCE OF NEW BRUNSWICK.

Debenture, No. — £ — N. B. Currency.
_____ pounds, N. B. Currency, payable at the Office of the Commissioners of the General
Public Hospital in the City of Saint John, N. B., being six months' interest on the above Debenture,
due the ___ day of _____ A. D. 18 ___.

A. B., Chairman, [or President.]

SCHEDULE B.
Form of Warrants of Assessment.

No. 1.

To Messrs. _____ Assessors of Taxes for the City of Saint John.

You are hereby required to assess and levy the sum of _____ being the _____ proportion or
part of the sum of four hundred and twenty pounds, upon the real and personal estate and
income of the inhabitants and owners of property in the City of Saint John, and also the sum of
one shilling and three pence upon the poll of every rateable male inhabitant of the said City; and
the further sum of _____ upon the real and personal estate of the inhabitants of the said City,
being the amounts required to be assessed and levied upon the said City, for the purposes of the
General Public Hospital in the said City, for the present year, and to cause the same to be collected
according to law, and paid to the Commissioners of the said Hospital, or their Treasurer.—Sealed
and dated this ___ day of _____ A. D. 18__.

[L. S.]

A. B., Chairman, [or President.]

No. 2.

To Messrs. _____ Assessors of Taxes for the Parish of _____.

You are hereby required to assess and levy the sum of _____ being the proportion or part of the
sum of four hundred and twenty pounds, upon the real or personal estate and income of the
inhabitants and owners of property in the Parish of _____, and also the sum of one
shilling and three pence upon the poll of every rateable male inhabitant of the said Parish; and the
further sum of _____ upon the real and personal estate of the inhabitants of the said Parish,
being the amounts required to be assessed and levied upon the said Parish, for the purposes of
the General Public Hospital in the City of Saint John, for the present year, and to cause the same to
be collected according to law, and paid to the Commissioners of the said Hospital, or their
Treasurer.—Sealed and dated this ___ day of _____ A. D. 18__.

[L. S.]

A. B., Chairman, [or President.]