

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1861. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1861.

24 Victoria – Chapter 39

An Act to amend an Act to provide for an Alms House and Work House in the Parish and Town of Woodstock, in the County of Carleton. Passed 12th April 1861.

Section.	Section.
1. Act 23 V. c. 12, sec. 5, 6, &10, repealed.	7. Collectors of rates to be annually appointed; liability;
2. Commissioners to file Report of proceedings, and estimate of expenditures, &c.	8. To give a bond to the Queen;
3. Board of supervision to examine accounts and issue Warrants of assessment;	9. To pay over periodically, and account with vouchers; liability.
4. Also to assess towards principal and interest of loans.	10. Constables of the Parish to execute executions under this Act; and account on oath; penalty, &c.
5. Chairman <i>pro tem</i> . In absence of the Mayor.	11. Recovery of penalties.
6. Proceedings against Justices retaining assessments paid to them.	12. Form of Warrant of assessment.

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

1. That sections five, six, and ten, of an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act to provide for an Alms House and Work House for the Parish and Town of Woodstock, in the County of Carleton*, be and the same are hereby repealed; but this repeal shall not affect any rate or assessment already ordered or made under said Act, but the same shall be levied and collected as if this Act had not been passed.
2. The said Commissioners shall, on or before the first day of December, make up and file with the Mayor of the Town Council of the Town of Woodstock, a report of the proceedings and of the condition of said Alms House, Work House, and Farm, and a detailed account of their receipts and expenditures, for the past year, and also an estimate of the expenditure for the succeeding year, accompanied with an application to the Board of Supervision for a rate or assessment upon the said Town and Parish for the amount of said estimate, with the costs of assessing and collecting added thereto, which said accounts may be examined, audited and allowed by said Board of Supervision, if they see fit.
3. The Board of Supervision mentioned in said Act of Assembly hereby amended, shall examine said accounts and report, and if satisfied therewith shall, upon such application from said Commissioners, issue a warrant of assessment upon said Town and Parish of Woodstock for the support of the Poor therein, and the maintenance of said Alms House, Work House, and Farm, for

such sum as said Commissioners may require in said application; which said warrant of assessment shall be signed by the Chairman of said Board of Supervision for the time being; which said sum of money shall be assessed, levied and collected in such manner and form as by the laws of this Province are or shall be appointed for the assessing, levying and collecting of Poor rates; and which said sum, when so collected, shall be paid to the said Commissioners for such purposes, and no other.

4. The Board of Supervision mentioned in said Act shall, upon the application of said Commissioners, make a rate or assessment upon said Town and Parish of Woodstock, in such sum of money, not to exceed in any one year the sum of twelve hundred dollars, as the said Commissioners may by written application request, for the discharge of the principal and interest of the loan or loans contracted under the said Act, until the total amount of the loans and interest be paid off; all which said several sums of money shall be assessed, levied, collected, and paid, in such proportions and in the same manner, except the warrant of assessment which is hereafter provided for, as Poor rates are assessed, levied, collected and paid by the laws of this Province.

5. In case of the absence of the Mayor of the Town of Woodstock at any meeting of the Board of Supervision called as prescribed in the twelfth section of said Act, the members present at such meeting may appoint a Chairman for the time being, who shall have all the powers and authority vested in said Mayor of said Town as such Chairman, by virtue of such Act, or any amendment thereof.

6. That if any money shall be paid to any Justice of the Peace, upon Execution or otherwise, in satisfaction or payment of any assessment or rate made by virtue of the authority and provisions in the Act hereby amended, or of this Act, and he shall have neglected or refused, after demand, to pay over the same to such person or persons as the said Board of Supervision mentioned in the said twelfth section of the Act hereby amended shall appoint or direct to receive the same, such neglect or refusal shall be deemed a misdemeanor, and punishable as such; or the Commissioners of the Alms House and Work House, in their names or the names of their successors in office, may maintain an action of assumpsit against said Justice in the Supreme Court, in the form of money had and received, for the recovery of the same with treble costs and interest, and such action shall be a bar to any criminal prosecution for the said offence.

7. That the said Board of Supervision shall have power and they are hereby authorized, on or before the tenth day of January in each year, to appoint a Collector or Collectors of the rates or assessments to be made under and by virtue of the authority of this Act, or the Act hereby amended, or of any other Act which may be passed in amendment of said Act; which said Collector shall be subject to the orders and directions of said Board, and may be removed by them, and shall be in all things liable to the same penalties and forfeitures for the refusal to act, as Town and Parish Officers are now subject to by any laws of this Province, in addition to any other penalties to which they are made liable by this Act.

8. The said Collector, before entering upon the duties of his office, shall give a Bond to the Queen, with two sureties, and in such penal sum as the said Board of Supervision may direct, and with such condition as the said Chairman of said Board of Supervision may prescribe.

9. Every Collector appointed under this Act shall, on the first Monday in every month, pay over to the said Commissioners all moneys received by him during the previous month, with a list of persons from whom he received the same; and shall, in four months after the receipt of the precept, file with the Chairman of the said Board of Supervision a true account of every sum of money so by him received, with vouchers for the sums paid, and a correct list of defaulters verified on oath, and the list given him by the Assessor; and shall from time to time obey such orders and directions as may be given him by said Board of Supervision; and for the neglect of any of the duties by this section enjoined, or for disobedience of the orders and directions of said Board of Supervision, such Collector or Collectors shall be liable to a penalty, not exceeding eighty dollars for each and every such neglect of duty or disobedience.

10. The Constables for the Parish and Town of Woodstock respectively shall execute any Execution issued by virtue of this Act, or of the Act to which this is an amendment, and any such Constable neglecting or refusing to execute such Execution, or neglecting to pay over and furnish an account under oath of any moneys he may collect under the same, and of the parties from whom such moneys have been collected, to such person or persons as may be directed by the said Board of Supervision, shall for every such neglect or refusal be liable to a penalty not exceeding forty dollars, and may for such neglect or refusal be removed from the office of Constable by such Board of Supervision, and shall be liable to an action of assumpsit in the Supreme Court of this Province at the suit of the said Commissioners, in which said action the money received by such said Constable shall be recovered with interest and costs, and the proof of the receipt by said Constable of an Execution against any party or parties for the levying of any rates or assessments, shall be prima facie evidence of the receipt of the money directed by such Execution to be levied.

11. All fines, penalties and forfeitures imposed by this Act, shall and may be recovered with costs, upon the oath of a witness before any Justice of the Peace in and for the County of Carleton, in the manner prescribed by Chapter 138, Title XXXVII, of the Revised Statutes, 'Of Summary Convictions,' or by any amendment or amendments thereof.

12. The Warrants of assessment under this Act may be in form following:—

To the Assessors of the Parish of Woodstock.

You are commanded to levy and assess the sum of _____ dollars in and upon the Parish and Town of Woodstock, and cause the same to be collected and paid according to Law, for the support of the Poor, and the maintenance of the Alms House, Work House, and Farm, of the Parish and Town of Woodstock, [*or for such purposes as the Board of Supervision may direct, as the case may be.*]

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By the Board of Supervision.

A. B., Chairman.