

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1862.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1862.

25 Victoria – Chapter 50

**An Act to abolish the Fishery Draft on the Western side of the Harbour in the City of Saint John, and to make other provisions for the disposal of the said Fisheries, and to apply the annual proceeds thereof towards the erection of a Public Hall in Carleton, and in payment of Interest on the Carleton Water Debentures. Passed 23rd April 1862.**

Section.

1. Erection of Public Building in Carleton.
2. Part of s. 5, c. 145, Rev. Stat. repealed.
3. Fishing Lots sold at auction.

Section.

4. Appropriation of moneys.
5. Sales, how conducted.
6. Appointment of Directors of Fisheries.
7. Assessments.

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

1. Notwithstanding any thing contained in the Charter of the City of Saint John, a Public Building may be erected on such part of the Market place in Carleton, City of Saint John, as the Common Council may determine; provided always, the majority of the members of the west side agree.
2. The exception respecting the "Fishery Draft in the City of Saint John," in Section 5, Chapter 145, of the Revised Statutes, 'Of offences against public morals and decency,' is hereby repealed; and nothing in the Charter of the said City of Saint John, nor any usage or custom, or bye law of the Corporation of the City of Saint John, or the said fifth Section of the said Chapter, shall be held, taken or construed to legalize the Fishery Draft in the City of Saint John as heretofore practised, or the drawing by lot for numbers in the fisheries granted by the Charter of the said City to the freemen and inhabitants of the said City, and such Fishery Draft shall be held and taken to be a Lottery under the provisions of the said fifth Section of the said Chapter.
3. The fisheries between high and low water mark along the said Bay, River and Harbour of Saint John, and the sole fishing, hauling the seine, erecting wiers, and taking the fish between high and low water mark on the said west side of the Harbour, as granted by and described in the said Charter of the City of Saint John, together with such portion of the fishing lots on and surrounding Navy Island as, according to existing usage and custom, belong to the west side, shall annually on the first Tuesday in January of each year be set off in lots, and each lot shall be sold at public auction to the highest bidder therefor: in case the highest bidder shall not immediately pay the amount, such lot shall be again set up, and so *toties quonties*, until the last lot shall be disposed of; and all moneys arising from such sale shall be paid to the Chamberlain, for the purpose of erecting a public building in Carleton, and for other purposes hereinafter described.
4. All moneys which are to be paid to the Chamberlain, and applied to the purposes of erecting the proposed public building in Carleton, and for other purposes, shall be applied as follows,—the

sum of two thousand dollars shall be retained by the Chamberlain each year for four years after the passing of this Act, and the moneys so retained shall be applied by the Chamberlain towards paying the expenses of erecting said public building; and the Common Council shall have power to make a contract and agreement with able and sufficient workmen for the erection of said public building, which contract and agreement the said Common Council are hereby required to make with all reasonable and practicable dispatch, after a sufficient sum shall have accumulated to warrant them in making such contract; and the balance or residue of said sale shall be used by the Chamberlain for the purpose of paying the interest on the Carleton Water Debentures: after the expiration of the four years after the passing of this Act, the whole of the proceeds of the sale of the said west side fishery lots, together with that portion of the proceeds of the sale of the fishing lots on and surrounding Navy Island as according to existing usage and custom belong to the west side, shall be appropriated towards the payment of the interest on the Carleton Water Debentures, and the surplus, if any should accrue, shall be appropriated to the payment of the principal of said Debentures.

5. Such sale shall be conducted under the direction of a Committee of the Common Council to be for that purpose appointed; the Common Council shall, on the purchase and payment of the purchase money of each lot, grant to the purchaser a certificate of his having so purchased the same, under the hand of the Common Clerk; and such purchaser shall thereupon become entitled to the same rights and privileges in every respect as if he had drawn such number in the Fishery Draft heretofore annually drawn in the said City.

6. The Common Council of the said City shall have the power by ordinance to appoint Directors of the fisheries, and generally to regulate the fisheries, and laying out and fishing the fishing lots within the limits of the City of Saint John; and if the Common Council shall not before the first day of December next after the passing of this Act, make an ordinance for that purpose, the ordinance which shall be in force at the time of the passing of this Act shall be and remain in full force; provided always, that no part of such ordinance in force at the time of the passing of this Act, which is repugnant to or inconsistent with this Act, shall be effectual or valid; and further provided, that all or any ordinance of the Corporation of the City of Saint John now passed or hereafter to be passed, which shall be inconsistent with or repugnant to this Act, shall be void and of no effect.

7. Any thing contained in an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to authorize that part of the City of Saint John called Carleton, to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing*; and also in another Act made and passed in the twenty first year of the same Reign, intituled *An Act in addition to and in amendment of an Act intituled 'An Act to authorize that part of the City of Saint John called Carleton, to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing,'* to be contrary notwithstanding, no assessment for the purposes of the said Acts, or of either of them, shall hereafter be made except on property or income, and poll taxes under the same are hereby prohibited; provided nevertheless, that nothing herein contained shall prevent the collection and payment of any poll tax made before the passing of this Act.