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25 Victoria – Chapter 51

An Act to provide for the erection of a City Hall in the City of Saint John. Passed 23rd April 1862.

Section.

1. Mayor, &c. may contract for building City Hall.
2. Mayor, &c., may borrow money on Debentures.
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4. Debentures negotiable, and interest paid half yearly.
5. Part of Sec. 5, Chapter 145, Revised Statutes, repealed.
6. Fisheries on east side of Harbour to be sold at auction.

Section.

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8. Money received by Chamberlain to be invested in securities.
9. Sums accumulated three years, applied towards building Hall.
10. Directors of Fisheries, how appointed.
11. Moneys, &c., arising from rent of buildings now occupied as offices, &c., applied towards payment of Debentures and interest.

Whereas it is desirable that the various public offices and rooms required by the growing wants of the City of Saint John should be provided for in one building in the said City, by the erection of a City Hall;—

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

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, notwithstanding any thing contained in an Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act relating to the Public Debt of the City of Saint John*; or an Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act relating to the Public Debt of the City of Saint John*; or of any thing contained in the Charter of the City of Saint John, bearing date the eighteenth day of May one thousand seven hundred and eighty five, to contract and agree with able and sufficient workmen for the erection in the City of Saint John of a suitable building for a City Hall, for such sum not exceeding sixty thousand dollars as may be necessary for that purpose.
2. The said Mayor, Aldermen and Commonalty of the City of Saint John are hereby authorized and empowered, notwithstanding anything in the said recited Acts contained, to borrow such sums of money as may be required for the erecting, constructing and completing the said City Hall, not exceeding in the whole the sum of sixty thousand dollars, to be paid off and discharged in manner hereinafter provided; provided always, that no such moneys shall be borrowed till after the expiration of three years from the passing of this Act.

3. The said sum of sixty thousand dollars shall be taken in loans of not less than four hundred dollars, and Debentures in the following form, or to that effect, shall be prepared and delivered, with Coupons for interest payable half-yearly to the persons from whom such loans shall be obtained, viz:—

Number— City of Saint John.

This certifies that, [money lender] hath lent to the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of four hundred dollars currency, which sum is payable to him or his order, together with interest at and after the rate of six per cent per annum, pursuant to an Act of Assembly passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act to provide for the erection of a City Hall in the City of Saint John*.

Dated the ____ day of _____ A. D. 186 ____.

By order of the Common Council. [L. S.]

C. D., Common Clerk.

A. B., Mayor.

Which same Debentures shall be sealed with the Common Seal of the said Corporation, and signed by the Mayor and Common Clerk, shall be consecutively numbered according to the times at which the same shall be issued, and the Coupons for interest shall be signed by the Mayor and Common Clerk, and a record of the same shall be entered by the Clerk in the Minutes of the said Corporation.

4. The said Debentures so to be issued under the provisions of this Act, shall be negotiable in the same manner as promissory notes, and the holders thereof shall be entitled to receive interest upon the same semi-annually, at a rate not exceeding six per cent, to be paid by the Chamberlain of the said City out of the funds hereinafter provided, on presenting the Coupons for the same.

5. 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 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 on either the east or west side of the Harbour, 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; and all or any person or persons engaging or taking part therein, on either the east or west side of the said Harbour, shall be guilty of a misdemeanor, and in addition thereto shall severally be subject to a penalty of fifty pounds, to be recovered and collected before the Police Magistrate of the said City, in the same manner as any penalty under any bye law of the said

City may be recovered, and when recovered shall be paid to the Chamberlain of the said City for the purposes of this Act.

6. The fisheries between high and low water mark along the east side of the said Bay, River and Harbour of Saint John, and the sole fishing, hauling the seine, erecting weirs, and taking the fish between high and low water mark on the said east side of the Harbour, as granted by and described in the said Charter of the City of Saint John, and all other fisheries in the said Harbour heretofore enjoyed and possessed by the inhabitants of the east side of the Harbour, shall annually on the first Tuesday in January in each year be set off in lots, and each lot shall be sold by 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 quoties*, until all the said lots shall be disposed of; and all moneys arising from such sales for three years from the passing of this Act, including the sales to be made in the year one thousand eight hundred and sixty five, shall be paid to the Chamberlain for the purposes of this Act.

7. Such sales 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.

8. All moneys paid to and received by the Chamberlain of the City, under the provisions of this Act, shall be annually vested by the said Chamberlain in the name of the Chamberlain of the City of Saint John, in good public or landed securities, together with all interest accruing on the same, for the purposes of this Act; provided always, that none of the said moneys, of principal or interest, shall be so invested by the said Chamberlain, until he shall have obtained the permission and approval in writing of the Mayor, Recorder, Sheriff, and Members of the Legislature for the City of Saint John for the time being, or of any three of them, for such investment; the sums so invested shall be held by the said Chamberlain in trust for the purposes of this Act, and shall not be subject to the order of the Common Council of the said City; provided always, that the said Chamberlain and his sureties on any bond by him given or hereafter to be given, for duly accounting and paying over to the Mayor, Aldermen and Commonalty of the City of Saint John, all sums of money in his hands as such Chamberlain, shall be liable on such bond for any deficiency or misapplication of the said fund so paid to him under the provisions of this Act.

9. After the period of the said three years, the said sum so accumulated shall be applied by the Corporation of the said City towards the building of the said City Hall, and the amount of the proceeds of the said Fisheries shall thereafter be applied to the payment of the interest of the Debentures issued under this Act.

10. 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 of 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 force; provided also, 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.

11. All moneys, rents, issues and profits arising from the sale or the leasing or renting of any lands, buildings or premises now used and occupied by the Corporation for public offices or public purposes within the said City, as well as of the said City Hall, and which shall not, after the erection of the said City Hall, be required for the said public purposes, shall be paid to the Chamberlain of the said City, to be applied by him towards the payment of the principle and interest of the said Debentures; but nothing in this section contained shall be held to affect the right of any mortgagee in any such property.