

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 77

An Act for the alteration and amendment of the local government of the Parish of Portland, in the County of Saint John. Passed 23rd April 1862.

Section.

1. Enumerates Parish Officers to be annually elected.
2. Meeting of rate-payers, notice thereof; nominations made thereat.
3. Chairman sworn; remuneration; Report of Audit Committee read; adjournment.
4. List of parties nominated to be given to electors.
5. Chairman to appoint Poll Clerk, who shall be sworn; remuneration; election, how conducted.
6. List of officers elect to be forwarded to Clerk of the Peace to be laid before Sessions.
7. Accounts of officers year preceding to be rendered to Audit Committee.

Section.

8. Parish to be divided into three Districts, a Commissioner elected to each.
9. Road money shall be paid into one of the Banks; how drawn out.
10. Road Master appointed for whole Parish; his duties; remuneration; Roads let by auction or tender.
11. Person elected refusing to serve, fine.
12. Assessment, how made; exceptions.
13. Commissioners to take charge of Slip, make rules regulating same, apply proceeds to improvement thereof.
14. Parts of Title viii, c. 52, Rev. Stat. Acts 17 V. c. 37, 18 V. c. 18, and 23 V. c. 8, repealed.

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

1. That the Parish Officers for the Parish of Portland, in the City and County of Saint John, to be annually elected for the said Parish, shall be as follows:—One Town Clerk, four Pound Keepers, four Hogreeves, three Assessors of Rates, four Constables, four Fence Viewers, one Clerk of the Market, four Field Drivers, three Road Commissioners, three Commissioners for expending public grants for Bye Roads, three Revisors of Electors for Members to serve in the General Assembly, three Trustees of Schools, one Collector of Rates and Taxes, and three Auditors of Parish Accounts.
2. The rate-payers upon property in the Parish of Portland, and who have paid their taxes for the year preceding, to be ascertained by reference to the Assessors' list, and by production of the Police Magistrate's or Collector's receipt or list, they or so many of them as choose to attend, shall meet on Tuesday fourteen days preceding the March Sessions, ten days' notice of the time and place of such meeting being given by the Town Clerk, by putting up handbills in six or more public places in the Parish; at which meeting the said Clerk shall act as Secretary, and nominations may be made in writing to all or any of the said offices, such nominations to be signed by no less than two of such electors.

3. When the meeting is convened the Town Clerk shall preside, and a Chairman shall be nominated and elected for the time being, who shall preside as Chairman of such meeting, and at any adjournment thereof, and be sworn before the Police Magistrate or any Justice of the Peace of the County of Saint John, to the faithful discharge of his duties, and shall receive the sum of four dollars for his services: Before proceeding to make such nomination as aforesaid, the Secretary shall read the report of the Committee of Audit upon the Parish Accounts; when a sufficient time has elapsed for making each nomination, and not less than two hours after the opening of such meeting, the meeting shall be adjourned to the following Tuesday.
4. It shall be the duty of the Secretary immediately after the adjournment, to prepare a list, which shall be signed by himself and the Chairman, shewing all the parties nominated for each office, of which list each elector shall be entitled to receive a printed copy.
5. At such adjourned meeting the Chairman so elected shall appoint a Poll Clerk, who shall be sworn before the Police Magistrate or any Justice of the Peace of the County of Saint John, to the faithful performance of his duty, and who shall receive two dollars for his services, the said Police Magistrate or Justices being hereby authorized and required to administer such oath. The Election shall be as follows:—Each elector shall deliver to the Poll Clerk one of the said printed lists, having first struck out therefrom all names but those of the persons whom he wishes to be appointed: At the expiration of eight hours after the opening of the meeting, which shall be at eight o'clock A.M. the Poll Clerk shall ascertain, in the presence of the Chairman and such of the electors as may please to attend, who has the greatest number of votes for each office; the persons having the greatest number shall be deemed duly elected, and shall be then and there publicly declared by the Chairman.
6. When all officers are elected a correct list thereof certified by the Chairman, attested by the Poll Clerk, and forwarded by the Chairman to the Clerk of the Peace for the City and County of Saint John, shall be laid before the next Sessions at its opening.
7. The accounts for the year preceding of all officers receiving or paying money on account of the Parish, shall be rendered to the Committee of Audit at least twenty days before the day of nomination.
8. The Assessors of Rates for the present year in the said Parish, shall divide the Parish into three districts, such division to be permanent, for each of which a Commissioner shall be elected, which said Commissioners, when elected, shall act jointly, or by any two thereof, relating to the making or repairing of all roads in the said Parish.
9. All moneys received by the Police Magistrate on account of the road assessment, and all moneys for roads in the Parish, shall be paid into one of the Banks of the City of Saint John, to the credit of the Road Commissioners, and shall be drawn out by cheque signed by the said Commissioners, or any two of them, for the time being.

10. The Commissioners shall appoint one Road Master for the whole Parish, whose duty it shall be to superintend the work on the roads, and who shall be entitled to receive for his services at the rate of two dollars per day, not to exceed in all one hundred and sixty dollars in anyone year; all work on the roads to be let by auction or public tender, if practicable.

11. Any person elected to office by virtue of the foregoing provisions, and refusing to qualify and serve, shall be liable to a fine of forty shillings; provided always, that no officer shall be required to serve two years in succession.

12. The assessment for roads in the said Parish shall be as follows:—One dollar and fifty cents by a poll tax upon all the male inhabitants of the age of twenty one years and upwards, excepting those who are by law exempted, and the remainder to such amount as shall be directed by the Justices of the Peace for the City and County aforesaid, at the March Sessions, by a pound rate upon the value of their real estate in the Parish.

13. It shall be the duty of the three Road Commissioners to take charge and control of the Public Slip in said Parish, at the foot of Simonds' Street, called Thompson's Slip, and to make rules for the regulation of the same; such rules to be rescinded by the Sessions if they see fit so to do, but if not so rescinded, to stand good until rescinded or other rules made by the said Road Commissioners in their place and stead; the said Road Commissioners to have power, and it shall be their duty, to let for the term of one year the said Slip, such letting to be done by public auction to the highest bidder; the said letting to be done from year to year, and to be done within twenty days after the election of said Road Commissioners, ten days' public notice of the time and place of such letting having been first given; the said Road Commissioners to apply the net proceeds of such letting to the improvement of the said Slip.

14. So much of Title viii, Chapter 52, of the Revised Statutes, and of the Acts 17th Victoria, Chapter 37, 18th Victoria, Chapter 18, and 23rd Victoria, Chapter 8, as is inconsistent with this Act, shall be deemed repealed only so far as relates to the said Parish of Portland.