

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1863. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1863.

26 Victoria – Chapter 26

An Act to repeal an Act made and passed in the twenty fifth year of the Reign of Queen Victoria, intituled *An Act for the alteration and amendment of the local government of the Parish of Portland, in the County of Saint John*, and make other provisions in lieu thereof. Passed 20th April, 1863.

Section.

1. Act 25 Vic. Cap. 77, repealed.
2. Parish Officers to be elected; list of same.
3. Qualification of electors.
4. Nomination of candidates, when made; notice of meeting, by whom given.
5. Who to preside at meeting.
6. List of candidates, by whom prepared, and when.
7. Poll Clerk, when and how appointed; votes, how given; time when votes may be received.
8. List of officers elected, by whom made out, and where filed.
9. Sessions, in case of deficiency, to appoint.
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Section.

11. Clerk of the Peace to furnish Town Clerk with registered list of electors.
12. When Accounts shall be rendered; and to whom.
13. Limits and description of Road Districts.
14. Moneys received for Roads, where and to whose credit paid in.
15. Roadmaster, by whom appointed.
16. Road assessment, how made and under what authority.
17. Commissioners to file with Clerk of the Peace estimate of the amount required for roads.
18. Collector to be also Receiver of Rates.
19. Collector to give Bonds.
20. Duty of Road Commissioners.
21. Acts in part repealed.

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

1. That an Act made the passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act for the alteration and amendment of the local government of the Parish of Portland*, in the County of Saint John, be and the same is hereby repealed.
2. The Parish Officers for the Parish of Portland, in the City and County of Saint John, to be elected annually for the said Parish, shall be as follows:-- One Town Clerk, one Collector of Rates, 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 Revisors of Electors for Members to serve in the General Assembly, three Trustees of Schools, and three Auditors of Public Accounts, with such other officers, if deemed necessary, or any of them, as are mentioned in the Act 17 Victoria, Chapter 12.

3. No person shall be entitled to vote at the election of the aforesaid officers unless duly qualified as an elector for Members to serve in the General Assembly, such qualification to be ascertained by reference to the Revisors list of Electors in the said Parish for the current year, and unless his taxes for the year next preceding such election shall have been paid; such payment to be evidenced, if required by the Polling officer, by the production of the receipt of the Collector as Receiver of Taxes, as hereinafter mentioned.

4. The inhabitants of the said Parish so qualified to vote, or so many of them as shall choose to attend, shall on the first Tuesday in March in each year meet for the purpose of nominating candidates for the aforesaid offices; and for other the purposes hereinafter mentioned, ten days notice of the time and place of such meeting having been previously given by the Town Clerk, by handbills posted in six or more public places in the Parish; but if the Clerk should neglect to give such notice, or if there should be no Clerk, such meeting may be held at the time aforesaid; on five days notice given in manner aforesaid by any two Justices of the Peace for the said City and County.

5. At the time and place so appointed the Meeting shall be called to order by the Town Clerk, or if there be no Town Clerk, then by any Justice of the Peace for the said City and County, who, as the case may be, shall preside until a Chairman shall be nominated and elected for the time being, who shall preside at such meeting, and at any adjournment thereof, and be sworn before the Police Magistrate or any Justice of the Peace for the said City and County, to the faithful discharge of his duty, and shall receive the sum of four dollars for his services: The Town Clerk (who shall act as Secretary) shall read the Report of the Committee of Audit upon the Parish Accounts, after which nominations may be made in writing to all or any of the said offices, such nomination to be signed by two or more of the electors; when a sufficient time shall have elapsed for making such nominations, and not less than two hours after the opening of such meeting, the meeting shall be adjourned to the following Tuesday, at eight of the clock A.M.

6. 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 persons nominated for each office, of which list each elector shall be entitled to receive a printed copy.

7. At or before 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 for the said City and County, to the faithful performance of his duty, who shall receive two dollars for his services; the said Police Magistrate or Justice being hereby authorized and required to administer such oath: The Election shall be as follows:— each elector qualified as aforesaid, and wishing to vote, 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 may wish to be elected, and the Poll Clerk shall immediately deposit the same without opening it, in the ballot box; at the expiration of six hours after the opening of the meeting, the Poll Clerk shall ascertain by examination of the ballots, in the presence of the Chairman and such of the electors as may choose 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.

8. On or before the Saturday next following the said election, a correct list of the officers so elected, certified by the Chairman and attested by the Poll Clerk, shall be forwarded by the Chairman to the Clerk of the Peace for the City and County of Saint John, to be laid before the next Sessions at its opening.

9. The persons so elected and certified shall be confirmed in their offices by the Sessions for one year; and should there be no election of officers, or not a sufficient number chosen, or no certified list laid before the Court, the Sessions shall make the necessary appointments.

10. Any person elected to office by virtue of the foregoing provisions, and refusing to qualify and serve, shall be liable to a fine of eight dollars; provided always, that no officer shall be required to serve two years in succession; and in case of refusal or neglect to serve, or in case of the death or removal of any person elected or appointed to any of the said offices, any two Justices of the Peace for the said City and County residing in the said Parish of Portland, may appoint a fit person to any such vacancy, and so from time to time as often as any such vacancy shall occur, and when so appointed such officer shall give the like security and in like manner (when by law security is required) as if elected in manner aforesaid, or appointed by the Sessions in the ordinary way; and any person so appointed shall have like powers, and if he shall neglect or refuse to serve, or be guilty of any misbehaviour or neglect of duty, he shall be subject to the same penalties, to be recovered and applied in the same manner as if elected or appointed in the ordinary way, according to the provisions of this and other Acts of Assembly in such case made and provided.

11. It shall be the duty of the Clerk of the Peace for the said City and County, in each and every year, to furnish the Town Clerk of the said Parish, for the purposes of such election as aforesaid, a true and faithful copy of the registered list of electors in the said Parish for the current year.

12. 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 hereinbefore mentioned.

13. For the better management of the Roads lying within the said Parish, the Parish shall be divided into three Districts, as follows:—District number one to comprise all that portion of the said Parish lying to the westward of a line commencing at the southern end of Simonds Street, and running due north across the Parish; District number two to comprise all that portion of the said Parish lying between the above mentioned line and a due north line commencing at Portland Bridge (so called), and extending to the northern boundary of the said Parish; and District number three to comprise all that part of the said Parish lying to the eastward of District number two: And in the election of the three Road Commissioners, as mentioned in the second Section of this Act, the following regulations shall be observed, viz:—One Commissioner shall be chosen for each of the said Districts, such person to be resident in the District for which he is chosen, but to be elected by a general ballot as in the case of other Parish officers; and it shall be the duty of the said Commissioners to act jointly in the management of all business relating to the making and repairing of all Roads in the said Parish; provided always, that the acts of any two of them shall be

deemed legal and valid under the provisions of this Act; and it shall further be the duty of the said Road Commissioners to act jointly in the expenditure of all Legislative grants for Bye Roads in the said Parish, and to make return thereof to the Sessions of the said City and County, at the expiration of their term of office.

14. All moneys received by the Collector, as Receiver of Taxes, 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 for the time being, or any two of them.

15. The Road Commissioners shall appoint one Roadmaster 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 any one year; all work on the Roads to be let by auction or public tender, if practicable.

16. 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 be assessed by the Assessors of Rates and Taxes for the said Parish, 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 all real and personal estate in the Parish, whether of residents or non-residents.

17. The said Commissioners shall annually, previously to the meeting of the March Sessions for the said City and County, file in the office of the Clerk of the Peace for the said City and County, to be laid before the Sessions at its meeting, an estimate of what sum or sums of money will be needful for the making, maintaining and repairing of the Roads within the said Parish for the ensuing year; such estimate to be used by the Sessions as the basis of the assessment for Roads in the said Parish for the current year.

18. The Collector for the time being is hereby appointed Receiver of all Rates and Taxes for the said Parish of Portland; and all persons assessed in the said Parish are hereby required to pay the amount of their taxes respectively at the office of the said Collector, whose receipt shall be a good and sufficient discharge of the same; and the said Collector is hereby authorized and required to enforce the payment of all taxes that may remain unpaid on the first day of October in each and every year, within thirty days after the said first day of October, in manner heretofore accustomed.

19. The Collector shall, in each and every year, before entering upon the discharge of the duties imposed on him by this Act, as Receiver of Taxes as aforesaid, enter into a Bond, together with two good and sufficient sureties to be approved of by the Justices of the Peace for the City and County of Saint John, and in such sums of money as the said Justices may think proper to order, the same to be taken in the name of the Queen, and to be conditioned for the payment of all moneys which shall come into his hands as such Receiver, under order of the said Justices or otherwise as herein provided, and for the due and faithful performance of his duties as Receiver of Taxes as aforesaid;

and whenever found necessary, the said Bond may be directed by the said Justices to be sued in the name of the Queen, for the protection and benefit of the said Parish of Portland.

20. It shall be the duty of the three Road Commissioners to take charge and control of the Public Slip in the said Parish, at the foot of Simonds Street, to low water mark, 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 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 the said Road Commissioners, ten days public notice of the time and place of such letting having been first given; the said Commissioners to apply the net proceeds of such letting to the improvement of the said Slip.

21. So much of Title viii, Chapters 52 and 53, of the Revised Statutes, and of the Acts 11th Victoria, Chapter 12; 17th Victoria, Chapter 37; 18th Victoria, Chapter 22; 21st Victoria, Chapter 49; 23rd Victoria, Chapter 8; and 25th Victoria, Chapters 16 and 17, as is inconsistent with this Act, shall be deemed and the same is hereby repealed, so far as relates to the said Parish of Portland; provided always, that all the provisions of the said Acts, and any other Acts of the General Assembly of this Province now in force for the local government of Parishes, except so far as the same are amended by this Act, are and shall be deemed to be in full force, so far as the same are applicable to the said Parish of Portland.