

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1865. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1865.

28 Victoria – Chapter 37

An Act for the alteration and amendment of the local government of the Parishes of Simonds, Lancaster, and Saint Martins, in the City and County of Saint John. Passed 8th July, 1865.

Section.

1. Parish Officers, how appointed.
2. Qualification of Voters.
3. Meeting, when to take place; Candidates, when nominated.
4. Appointment of Chairman; Reports to be read; meeting to be adjourned.
5. Lists of Candidates to be made.
6. Appointment of Poll Clerk; his duties; pay.
7. No person to hold more than one office.

Section.

8. Certified list of officers to be forwarded to Clerk of the Peace.
9. Sessions to confirm elections of officers; in case of no election, Sessions to appoint.
10. Persons elected neglecting or refusing to qualify; penalty; proviso.
11. Clerk of Peace to furnish Town Clerk with list of Electors.
12. Acts repealed in whole or in part.

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

1. The Parish Officers for the respective Parishes of Simonds, Lancaster, and Saint Martins, in the City and County of Saint John, shall be elected annually for the said Parishes, and shall be as follows:—One Town Clerk, one Collector of Rates, four Pound Keepers, four Hog Reeves, three Assessors of Rates, four Constables, four Field Drivers, three Road Commissioners, three Revisors of Electors of Members to serve in the General Assembly, three Trustees of Schools, so many Surveyors of Roads as there may be sub-districts under the County Highway Acts, three Commissioners for expending Bye Road money, and also if deemed necessary by the Electors, one Clerk of the Market, two weighers of Hay and Straw, and one weigher of Coals, one measurer of Salt, three measurers of Wood or Bark, two Inspectors of Barrels, four Fence Viewers, two Boom Masters, two Surveyors of Dams, two Inspectors of Butter, two Sealers of Leather, two Surveyors of Grindstones, and two Timber Drivers.

2. No person shall be entitled to vote or be a Candidate at the election of all or any of the aforesaid officers unless duly qualified as an elector of Members to serve in the General Assembly, such qualification to be ascertained by reference to the Registered List of Electors in the said respective Parishes for the current year, and unless his taxes for the year next preceding such election shall have been paid; such payment to be evidenced by the production of the receipt of the Collector or Receiver of Taxes as hereinafter mentioned.

3. The inhabitants of the said respective Parishes 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 qualified as aforesaid, being inhabitants as aforesaid, for the aforesaid offices, twenty days notice of such time and of the place of such meeting, (such place to be settled

by the General Sessions held in December preceding the election, and so to continue until altered) having been previously given by the Town Clerk, by hand bills posted up in twelve or more public places in the several sections of the respective Parishes; should the Town Clerk neglect to give such notice, or there be no such Clerk, such meeting may be held at the time and place aforesaid on ten days notice given in manner aforesaid, by any Justice of the Peace for the said City and County, who shall be entitled to receive therefor such compensation as the Sessions shall order.

4. 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 present, by any such Justice of the Peace, who, as the case may be, shall preside until a Chairman shall be nominated and elected for the time being, and such Chairman shall then preside at the same, and at any adjournment thereof, and be sworn to the faithful discharge of his duty before any Justice as aforesaid, and shall receive the sum of four dollars for his services; the Town Clerk, who shall act as Secretary, shall read the reports of the Collector of Taxes and Commissioners of Highways for the Parish for which the election shall be held for the year preceding, in which shall be clearly stated the names of all defaulters, and which shall have been previously filed by the said Collector with the Clerk of the Peace in sufficient time to enable the said Clerk to transmit the same to the said Town Clerk. After reading the said report, nominations shall be made in writing to all or any of the said officers, signed by two or more of the electors; and when a sufficient time shall have elapsed for making such nominations, and not less than two hours after the opening of the meeting, (which shall be at ten of the clock in the forenoon) it shall be adjourned to the following Tuesday at eight o'clock in the morning.

5. 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, of all the persons nominated for the several offices, of which list each elector shall be entitled to receive from the said Secretary a printed copy.

6. At or before such adjourned meeting the said Chairman shall appoint a Poll Clerk, who shall be sworn to perform the duties of his office before any Justice as aforesaid, and who shall receive two dollars for his services, the said Justice being hereby authorized and required to administer such oath. The Election shall be as follows:—Each elector qualified as aforesaid 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 seven 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 candidates as may choose to attend, which of the candidates has the greatest number of votes for each office, and the person so having the greatest number of votes shall be deemed duly elected, and shall then and there publicly be declared so elected by the Chairman.

7. No person shall be elected to or hold more than one of the said offices at any one time.

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 aforesaid, 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, whether limited by this Act or otherwise, or no certified list laid before the Court, the Sessions shall make the necessary appointments.

10. Any person elected to office by virtue of this Act, and refusing or neglecting 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 of the death or removal of any person elected or appointed to any of the said offices, any two Justices of the Peace aforesaid, residing in the Parish where the same may happen, may appoint a fit person to any such vacancy, and so from time to time as the case may occur; and when so appointed the like security shall be given, if by law required, as if originally elected or appointed; and any person so appointed shall have the like powers and be liable to the performance of the same duties, and to the same pains and penalties, as if elected or appointed in the first instance.

11. It shall be the duty of the Clerk of the Peace aforesaid in each and every year to furnish the several Town Clerks of the Parishes aforesaid, for the purpose of such elections, a true copy of the registered List of Electors in the said Parishes respectively, for the current year, unless the same have been already previously furnished to the said Town Clerks under the Act for the Elections of Members of the General Assembly.

12. The Act intituled *An Act for the alteration of the local government of the several Parishes of Lancaster, Simonds, and Saint Martins, in the County of Saint John*, is hereby repealed, together with all such parts of the Revised Statutes, Title viii, Chapters 52 and 53, as may be inconsistent herewith.