

same and like penalties for neglect or refusal, as the said persons first appointed, to be in like manner recovered, paid and applied, and so on as often as the case may happen.

Collector to pay moneys into the hands of the Chamberlain.

XIX. And be it enacted, that the said Collector hereinbefore mentioned to be appointed, shall from time to time as he shall receive the same, pay the money by him collected, into the hands of the Chamberlain of the said City for the time being, who is hereby directed to keep a separate Book of account of the same, to be by him appropriated for that particular purpose, and that the receipt of the Chamberlain shall be a sufficient discharge to the said Collector.

A Police Office may be erected in the Market Square.

XX. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City of Saint John, to erect and place upon a part of the space occupied by the building used for a Market in the Market Square in the said City, a Police Office, with proper apartments connected therewith.

Provisions of certain sections of Act 7 W. 4, c. 7, to apply to assessments under this Act.

XXI. And be it enacted, That the provisions contained in the fifth, sixth, seventh and thirteenth Sections of an Act made and passed in the seventh year of the Reign of His Majesty William the Fourth, intituled *An Act to provide for the collection of County and Parish Rates*, shall be held to apply to and be in force in respect of any assessment ordered and made by the Mayor, Aldermen and Commonalty of the City of Saint John, under this Act, and any proceedings taken under such assessment.

Watchmen, Constables, &c. authorized to arrest without a Warrant night walkers, disorderly and suspected persons;

XXII. And be it enacted, That it shall and may be lawful for any Watchman, Policeman, Special Constable or Constable within the said City, to take into custody without Warrant, all night walkers, rogues, vagabonds, loose, idle and disorderly persons, whom he shall find disturbing the public Peace, (or whom he shall have just cause to suspect of having committed or being about to commit any felony, misdemeanor or breach of the Peace,) and all persons whom he shall find between the hours of nine o'clock P. M., and five o'clock A. M., during the months of March, April, May, June, July, August, September, and October, or between the hours of seven P. M., and six A. M., during the months of November, December, January, and February, lying or lurking in any highway, yard or other place, and not giving a satisfactory account of themselves; and also to take into custody without Warrant as aforesaid, any person who in the City aforesaid, shall be charged by any other person with committing any aggravated assault, in every case in which such Constable or other Officer shall have good reason to believe that such assault has been committed, although not within view of such Constable or Officer, and that by reason of the recent commission of the offence, a Warrant could not have been obtained for the apprehension of the offender, in order that such person may be secured until he can be brought before a Magistrate to be dealt with according to Law.

also persons charged with aggravated assaults.

All prosecutions for any thing done under this Act,

XXIII. 'And for the protection of persons acting in the execution of this Act and the Acts hereafter in this Section recited;' Be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of, or in the execution of the powers and authorities under this Act, or an Act made and passed in the seventh year of the Reign of His late Majesty William the Fourth, intituled *An Act to provide for increasing the number of Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John*; or an Act made and passed in the fifty sixth year of the Reign of George the Third, intituled *An Act to increase the number of Constables in the City of Saint John*, or against any Constable or Marshal appointed under the provisions of the Charter of the City of Saint John, shall be laid and tried in the County where the fact was committed, and shall be commenced within three calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act, and the said recited Acts, and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between Attorney and Client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall certify his approbation of the action, and of the verdict obtained thereupon.

or Act 7 W. 4, c. 12,

or 56 G. 3, c. 1,

or against any Constable or Marshal appointed under the City Charter—are to be tried in the County where the fact was committed, and within three months.

Tender of amends.

Costs.