

9. If any election ordered to be held on a particular day, shall from any cause not be held on that day, and the same be duly certified to the Mayor by the City Clerk, it shall be lawful for the Mayor to order an election in lieu thereof, without calling the Council together, said election to take place within not less than ten days from the date of such order; and such order shall be directed to the City Clerk, who shall forthwith cause public notice thereof to be given by handbills posted up in the said City, and by publication in one of the Newspapers published in the City.

10. Upon any election protested against being declared null and void by the City Council, the new election ordered thereupon may be held within not less than seven days after the day of ordering such election, notice to be given as directed in the preceding Section.

11. No petition complaining of an undue election of Mayor, Aldermen, or Assessors, shall be received or inquired into by the City Council unless within two hours after the declaration of the person so elected, an elector or candidate at such election do make, subscribe, and deliver to the presiding officer or person holding such election, a written protest against the return of the person so declared elected, stating the ground upon which he protests; and the inquiry shall be confined to the grounds stated in the protest.

12. The Mayor or Chairman presiding at any meeting of the City Council convened to try any protest against any election, shall have power and authority to swear all persons produced as witnesses before the Council, and any such person being convicted of swearing falsely, shall be deemed guilty of perjury.

13. The Mayor shall have power to issue Subpœnas to require and compel the attendance of witnesses before the City Council, to give evidence on such enquiry, and to produce any books, papers or documents that may be required by either party.

14. Any person being duly subpœnaed, and neglecting or refusing to attend, shall forfeit and pay a fine not exceeding five dollars; and any person attending and refusing to be sworn or to give evidence, without sufficient excuse, shall be considered in contempt, and may for every such contempt be committed by the Mayor or Chairman to the common gaol of the County of York, for any period not exceeding twenty four hours at any one time, or fined at the discretion of the Council; which fine shall not exceed the sum of eight dollars, and shall be recovered on information and proof as other fines are to be collected or imposed by this Act, or the Act to which this Act is an amendment and addition.

15. Notwithstanding any thing contained in the Act passed in the twenty second year of Her Majesty's Reign, intituled *An Act to alter and amend the Act to incorporate the City of Fredericton*, the Mayor of the said City shall have no jurisdiction in civil cases.

16. The Mayor of the City of Fredericton, with one of the Aldermen of the City, shall have the sole power to hear, try and determine all cases of information and complaint of offences committed within the said City that can be heard, tried and determined under the provisions of the Revised Statutes, Title xxxvii, Chapter 138, except for violation of any of the City bye laws: Any summons or warrant issued by the said Mayor or Aldermen, upon any such information or complaint, may be served or executed in any part of the County of York, and shall have the same force, power, and

effect, as summons or warrants issued by any Justice of the Peace for the said County.

17. It shall not be lawful for any Justice of the Peace in for the County of York, other than the Mayor and Alderman as aforesaid, to hear, try or determine any information or complaint for offences alleged to have been committed within the said City, to be heard, tried and determined in the manner prescribed by the Revised Statutes, Title xxxvii, Chapter 138, 'Of Summary Convictions;' and any conviction by any Justice other than the Mayor and Alderman, except as hereinafter directed, shall be null and void; provided that nothing herein contained shall apply to trials for larceny under the Revised Statutes, Title xl, Chapter 159, Section 26.

18. In the absence of the Mayor from the City, or his inability to attend from any cause, any two Justices of the Peace in and for the said County shall have power to hear, try and determine any of the cases referred to in the two preceding Sections.

19. The City Clerk shall be an Attorney of the Supreme Court.

20. Persons convicted before the Mayor for any offence tried in a summary manner, or before any three Justices of the Peace in the said City, may be sentenced to be imprisoned in the common gaol of the County of York to hard labour; and it shall be lawful for the Mayor and Corporation, with the assent of the County Council of the County of York, to enclose and use such portion of the ground around and belonging to the said gaol, for the purposes of such labour, as they may deem necessary, and to make such rules, ordinances and bye laws relating thereto, and the government of the premises, and the nature of the labour, as they may deem requisite; the said rules, ordinances, or bye laws, before going into operation, receiving the approval and sanction of the Governor in Council.

21. All fines, penalties and forfeitures to be recovered by the provisions of this Act, may be recovered with the costs of prosecuting the same, in the manner prescribed by the Act to which this Act is an amendment of and addition to.

22. So much of an Act made and passed in the twenty second year of Her Majesty's Reign, intituled *An Act to alter and amend the Act to incorporate the City of Fredericton*, as is inconsistent with this Act, is hereby repealed, except as to any thing done, pending, or in progress and undetermined, under and by virtue thereof.

23. The Accounts of the said City shall be published at least one week before the annual election of Mayor for the said City, instead of the time now prescribed by law.

24. The City Council shall have power and authority to establish tolls and rates for anchorage, within the limits for anchorage.

25. Any Mayor or Alderman of the said City, who shall accept or hold office contrary to the provisions of the tenth Section of an Act made and passed in the twenty second year of the Reign of Her Majesty Queen Victoria, intituled *An Act to alter and amend the Act to incorporate the City of Fredericton*, shall forfeit and pay the sum of forty dollars for every offence; and the acceptance of office by such Mayor or Alderman, and every day's continuance in office by such Mayor or Alderman, shall be a substantive offence.