

Sec.

- 1 Sec. 63 of former Act repealed; fines & penalties, how recovered.
- 2 Copy of Bye Laws certified by Clerk, to be evidence.
- 3 Town Council authorized to borrow money.
- 4 Loans not to be less than \$100.

Sec.

- 5 Debentures, how payable.
- 6 Assessment authorized.
- 7 Assessments when collected, to whom paid.
- 8 36th sub-section of Section 43, in part repealed.

Passed 11th April, 1872.

WHEREAS it is desirable to amend the Act made and passed in the thirty fourth year of Her present Majesty's Reign, for the incorporation of the Town of Saint Stephen, and intituled *An Act to incorporate certain Districts of the Parish of Saint Stephen, in the County of Charlotte, to be known as the Town of Saint Stephen*;

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

1. That Section sixty three of the said Act of Incorporation is hereby repealed, and in lieu thereof—That all fines, penalties or forfeitures to be recovered by the provisions of the said Act, or this Act, or by any of them, or by virtue of any bye laws to be made and enacted under the authority thereof, shall and may be sued for, recovered and enforced with costs, on the oath of one or more credible witness or witnesses, before the Mayor of the said Town and any one of the Town Councillors; and in case of the absence of the Mayor, before any two of the said Town Councillors, or at any time before the Police Magistrate of the said Town, who are hereby authorized and empowered to be and are hereby constituted a Court for the trial of all complaints, suits, prosecutions or controversies arising under the said Act or this Act, or the said bye laws or any of them, within the limits of the said Town, and to which any fine, penalty or forfeiture is or shall be attached by virtue of the said Act or this Act, or of any such bye law; and such fine, penalty or forfeiture may be levied and recovered by warrant of distress of the offender's goods and chattels, under the hands and seals of the said Mayor and Councillor, or of the said two Councillors, or of the said Police Magistrate; and in default of payment of such fine, penalty or forfeiture, or for want of sufficient goods and chattels of the offender whereon to levy such fine, penalty or forfeiture, together with the costs and charges for distraining and selling the same, to commit the offender or offenders to the common gaol of the County, or Lock-up house within the said Town, for such a period not exceeding three months, as the said Mayor and Town Councillor, or any two Councillors or Police Magistrate shall direct; and all such complaints, suits, prosecutions or controversies shall be prosecuted by summons or warrant in the name of the Town of Saint Stephen, and the proceedings shall be *viva voce* and conducted in a summary way, as directed by the Acts of the Assembly relating to the duties of Justices of the Peace out of Sessions within this Province, and judgment shall be given as the very right of the matter may appear, without regard to technical objections, imperfections or defects which do not affect the substantial justice of the case.

2. A copy of any bye laws or ordinances made under the provisions of the above named Act, certified by the Town Clerk, shall be evidence in all Courts.

3. It shall and may be lawful for the Town Council of the

Town of Saint Stephen, and they are hereby authorized and empowered to borrow such sum and sums of money, not exceeding in the whole the sum of eight thousand dollars, to be applied towards the payment of the debt contracted for the support of the Fire Department prior to the passage of the Act of Assembly incorporating the said Town of Saint Stephen.

4. The said sum shall be borrowed in loans of not less than one hundred dollars each, and Debentures payable at such times as the said Town Council may deem expedient, not exceeding fifteen years, shall be issued to the person or persons from whom any such loan may be obtained, and in such form as the said Town Council may deem expedient, with coupons for interest payable half yearly; such debentures shall be sealed with the common seal of the said Town Council, and signed by the Mayor and Town Clerk, and shall be numbered consecutively, according to the order in which the same may be issued, and the coupons for interest shall be signed by the Mayor and Town Clerk, and a record of such debentures shall be kept by the Town Clerk.

5. The said Debentures so to be issued under this Act shall be negotiable as promissory notes payable to bearer, and the holders thereof shall be entitled to receive interest on the same at a rate not exceeding seven per cent. per annum, to be paid by the Town Treasurer out of the funds hereinafter provided, on presenting the coupons for the same.

6. The said Town Council is hereby authorized and empowered to order, make and levy a rate of assessment each and every year after the issue of the said Debentures for a sum sufficient to pay the interest on the said Debentures, and such further sum not less than five hundred dollars, as the said Town Council may determine, so that the whole of the said sum so borrowed shall be assessed within fifteen years; all such assessments to be made, levied and collected in the same manner as other assessments under the laws for the time being, regulating the levying, assessing and collecting of rates in the said Town.

7. All moneys collected under the provisions of the said assessment shall be paid to the Town Treasurer for the purpose of paying the said Debentures and the interest thereon, and the said Town Treasurer shall pay the amount of coupons to the holders thereof upon presentation thereof out of the funds so paid to him; and the said Town Treasurer shall, when and so often as he may be ordered by the Town Council so to do, give one calendar month's notice by advertisement in a newspaper published in the said Town, for calling in such and so many of the said Debentures, whether due or not, as the said Town Council may be prepared to pay off, specifying the number of such Debenture in such advertisement, and the same by and under such order as aforesaid shall pay off accordingly, and from and after the expiration of such notice the interest on such Debentures shall cease.

8. So much of the thirty sixth sub-section of Section forty three of the said recited Act as empowers the Council of the said Town to ordain bye laws for the taking up, arresting, or ordering to be taken up or arrested, all rogues, stragglers, idle and disorderly persons, is hereby repealed.